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THE
HISTORY
OF
ENGLAND.

FROM THE
INVASION OF JULIUS CÆSAR

TO
The REVOLUTION in 1688.

By DAVID HUME, Esq;

A NEW EDITION.

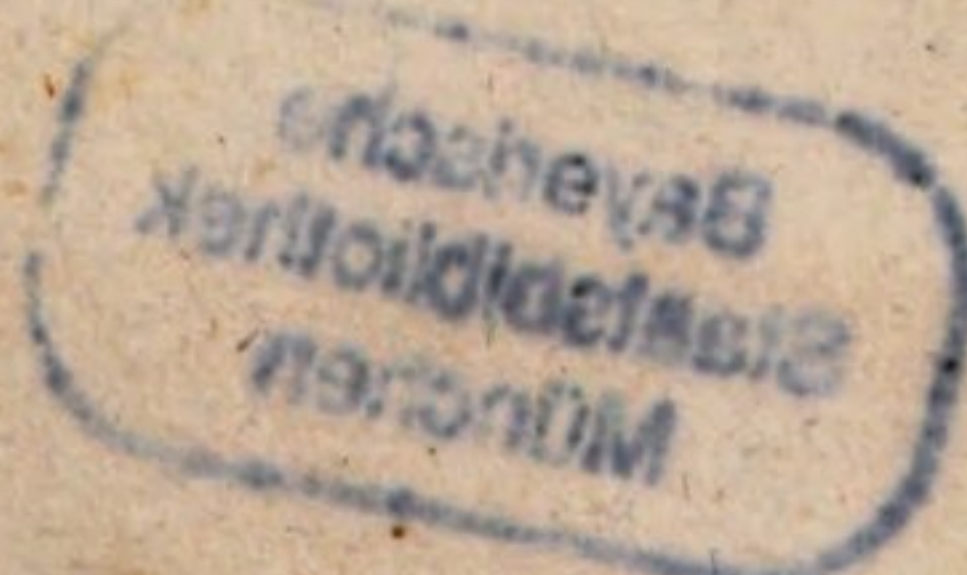
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OF
ENGLAND
FROM THE
INVASION OF JULIUS CAESAR
TO
THE REFORMATION
BY DAVID HUME, ESQ.
A NEW EDITION
VOL. I

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1791*

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C O N T E N T S
O F T H E
N I N T H V O L U M E.

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THERE now opens to us a new scene. Charles, naturally disgusted with parliaments, who, he found, were determined to proceed against him with unmitigated rigor, both in invading his prerogative, and refusing him all supply, resolved not to call any more, till he should see greater indications of a compliant disposition in the nation. Having lost his great favorite, Buckingham, he

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CHAP.
LII.
1629.

C H A P. became his own minister; and never afterwards
 LII. reposed in any one such unlimited confidence.
 1629. As he chiefly follows his own genius and disposition, his measures are henceforth less rash and hasty; though the general tenor of his administration still wants somewhat of being entirely legal, and perhaps more of being entirely prudent.

WE shall endeavour to exhibit a just idea of the events which followed for some years; so far as they regard foreign affairs, the state of the court, and the government of the nation. The incidents are neither numerous nor illustrious; but the knowledge of them is necessary for understanding the subsequent transactions, which are so memorable.

CHARLES, destitute of all supply, was necessarily reduced to embrace a measure, which ought to have been the result of reason and sound policy: He made peace with the two crowns, against which he had hitherto waged a war, entered into without necessity, and conducted without glory. Notwithstanding the distracted and helpless condition of England, no attempt was made either by France or Spain, to invade their enemy; nor did they entertain any farther project, than to defend themselves against the feeble and ill-concerted expeditions of that kingdom. Pleased that the jealousies and quarrels between king and parliament had disarmed so formidable a power, they carefully avoided any enterprize, which might rouse either the terror or anger of the English, and dispose them to domestic union and submission.

The endeavours to regain the good-will of the nation were carried so far by the king of Spain, that he generously released and sent home all the English prisoners taken in the expedition against Cadiz. The example was imitated by France, after the retreat of the English from the isle of Rhé. When princes were in such dispositions, and had so few pretensions on each other, it could not be difficult to conclude a peace. The treaty was first signed with France¹. The situation of the king's affairs did not entitle him to demand any conditions for the Hugonots, and they were abandoned to the will of their sovereign. Peace was afterwards concluded with Spain; where no conditions were made in favor of the Palatine, except that Spain promised in general to use their good offices for his restoration². The influence of these two wars on domestic affairs, and on the dispositions of king and people, was of the utmost consequence: But no alteration was made by them on the foreign interests of the kingdom.

NOTHING more happy can be imagined than the situation, in which England then stood with regard to foreign affairs. Europe was divided between the rival families of Bourbon and Austria, whose opposite interests, and still more their mutual jealousies, secured the tranquillity of this island. Their forces were so nearly counterpoised, that no apprehensions were entertained of any

C H A P.
LII.

Peace with
France and
Spain.

14th April.
1630.
5th Nov.

¹ Rushworth, vol. ii. p. 23, 24.

² Idem, ibid. p. 75. Whitlocke, p. 14.

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C H A P. event, which could suddenly disturb the balance
 LII. of power between them. The Spanish monarch,
 1630. deemed the most powerful, lay at greatest distance:
 and the English, by that means, possessed the
 advantage of being engaged by political motives
 into a more intimate union and confederacy with
 the neighbouring potentate. The dispersed situation
 of the Spanish dominions rendered the naval
 power of England formidable to them, and kept
 that empire in continual dependence. France,
 more vigorous and more compact, was every day
 rising in policy and discipline; and reached at last
 an equality of power with the house of Austria:
 But her progress, slow and gradual, left it still
 in the power of England, by a timely interposition
 to check her superiority. And thus Charles, could
 he have avoided all dissensions with his own
 subjects, was in a situation to make himself be
 courted and respected by every power in Europe;
 and, what has scarcely ever since been attained
 by the princes of this island, he could either be
 active with dignity, or neutral with security.

A NEUTRALITY was embraced by the king;
 and, during the rest of his reign, he seems to
 have little regarded foreign affairs, except so far
 as he was engaged by honor, and by friendship
 for his sister and the Palatine, to endeavour the
 procuring of some relief for that unhappy family.
 He joined his good offices to those of France,
 and mediated a peace between the kings of
 Sweden and Poland, in hopes of engaging the
 former to embrace the protection of the oppressed

protestants in the empire. This was the famed Gustavus, whose heroic genius, seconded by the wisest policy, made him in a little time the most distinguished monarch of the age, and rendered his country, formerly unknown and neglected, of great weight in the balance of Europe. To encourage and assist him in his projected invasion of Germany, Charles agreed to furnish him with six thousand men; but, that he might preserve the appearance of neutrality, he made use of the marquis of Hamilton's name³. That nobleman entered into an engagement with Gustavus; and inlisting these troops in England and Scotland at Charles's expence, he landed them in the Elbe. The decisive battle of Leipzig was fought soon after; where the conduct of Tilly and the valor of the Imperialists were overcome by the superior conduct of Gustavus and the superior valor of the Swedes. What remained of this hero's life was one continued series of victory, for which he was less beholden to fortune, than to those personal endowments, which he derived from nature and from industry. That rapid progress of conquest, which we so much admire in ancient history, was here renewed in modern annals; and without that cause, to which, in former ages, it had ever been owing. Military nations were not now engaged against an undisciplined and unwarlike people; nor heroes set in opposition to cowards. The veteran troops of Ferdinand,

C H A P.

LII.

1530.

³ Rushworth, vol. i. p. 46. 53. 62. 83.

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C H A P. III. 1630. conducted by the most celebrated generals of the age, were foiled in every encounter, and all Germany was over-run in an instant by the victorious Swede. But by this extraordinary and unexpected success of his ally, Charles failed of the purpose, for which he framed the alliance. Gustavus, elated by prosperity, began to form more extensive plans of ambition; and in freeing Germany from the yoke of Ferdinand, he intended to reduce it to subjection under his own. He refused to restore the Palatine to his principality, except on conditions, which would have kept him in total dependence*. And thus the negociation was protracted; till the battle of Lutzen, where the Swedish monarch perished in the midst of a complete victory, which he obtained over his enemies.

WE have carried on these transactions a few years beyond the present period, that we might not be obliged to return to them; nor be henceforth interrupted in our account of Charles's court and kingdoms.

State of the court and ministry.

WHEN we consider Charles as presiding in his court, as associating with his family, it is difficult to imagine a character at once more respectable, and more amiable. A kind husband, an indulgent father, a gentle master, a steadfast friend; to all these eulogies, his conduct in private life fully entitled him. As a monarch too, in the exterior qualities, he excelled; in the essential, he was not

* Franklyn, vol. i. p. 415.

defective. His address and manner, though perhaps inclining a little towards stateliness and formality, in the main corresponded to his high rank, and gave grace to that reserve and gravity, which were natural to him. The moderation and equity, which shone forth in his temper, *seemed* to secure him against rash and dangerous enterprises: The good sense, which he displayed in his discourse and conversation, *seemed* to warrant his success in every reasonable undertaking. Other endowments likewise he had attained, which, in a private gentleman, would have been highly ornamental, and which, in a great monarch, might have proved extremely useful to his people. He was possessed of an excellent taste in all the fine arts; and the love of painting was in some degree his favorite passion. Learned beyond what is common in princes, he was a good judge of writing in others, and enjoyed, himself, no mean talent in composition. In any other age or nation, this monarch had been secure of a prosperous and a happy reign. But the high idea of his own authority, which he had imbibed, made him incapable of giving way to the spirit of liberty, which *began* to prevail among his subjects. His politics were not supported by such vigor and foresight as might enable him to subdue their pretensions, and maintain his prerogative at the high pitch, to which it had been raised by his predecessors. And above all, the spirit of enthusiasm, being universally diffused, disappointed all the views of human prudence, and disturbed the

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LII.

1630.

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C. H. A. P. operation of every motive, which usually influences
LII. society.

1630.

BUT the misfortunes, arising from these causes, were yet remote. Charles now enjoyed himself in the full exercise of his authority, in a social intercourse with his friends and courtiers, and in a moderate use of those pleasures, which he most affected.

Character
of the
queen.

AFTER the death of Buckingham, who had somewhat alienated Charles from the queen, she is to be considered as his chief friend and favorite. That rustic contempt of the fair sex, which James affected, and which, banishing them from his court, made it resemble more a fair or an exchange, than the seat of a great prince, was very wide of the disposition of this monarch. But though full of complaisance to the whole sex, Charles reserved all his passion for his consort, to whom he attached himself with unshaken fidelity and confidence. By her sense and spirit, as well as by her beauty, she justified the fondness of her husband; though it is allowed, that, being somewhat of a passionate temper, she precipitated him into hasty and imprudent measures. Her religion, likewise, to which she was much addicted, must be regarded as a great misfortune; since it augmented the jealousy, which prevailed against the court, and engaged her to procure for the catholics some indulgences, which were generally distasteful to the nation^s.

^s May, p. 21.

IN the former situation of the English government, when the sovereign was in a great measure independent of his subjects, the king chose his ministers, either from personal favor, or from an opinion of their abilities; without any regard to their parliamentary interest or talents. It has since been the maxim of princes, wherever popular leaders encroach too much on royal authority, to confer offices on them; in expectation that they will afterwards become more careful not to diminish that power, which has become their own. These politics were now embraced by Charles; a sure proof that a secret revolution had happened in the constitution, and had necessitated the prince to adopt new maxims of government*. But the views of the king were at this time so repugnant to those of the puritans, that the leaders, whom he gained, lost, from that moment, all interest with their party, and were even pursued as traitors, with implacable hatred and resentment. This was the case with Sir Thomas Wentworth, whom the king created, first a baron, then a viscount, and afterwards earl of Strafford; made him president of the council of York, and deputy of Ireland; and regarded him as his chief minister and counsellor. By his eminent talents and abilities, Strafford merited all the confidence, which his master reposed in him: His character was stately and austere; more fitted to procure esteem than love: His fidelity to the

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Strafford.

* Sir Edw. Walker, p. 328.

C H A P. king was unshaken; but as he now employed all
 LII. his counsels to support the prerogative, which
 1630. he had formerly bent all his endeavours to diminish, his virtue seems not to have been entirely pure, but to have been susceptible of strong impressions from private interest and ambition. Sir Dudley Digges was about the same time created master of the rolls: Noy, attorney-general: Littleton, solicitor general. All these had likewise been parliamentary leaders; and were men eminent in their profession⁷.

Laud.

IN all ecclesiastical affairs, and even in many civil, Laud, bishop of London, had great influence over the king. This man was virtuous, if severity of manners alone and abstinence from pleasure, could deserve that name. He was learned, if polemical knowledge could entitle him to that praise. He was disinterested, but with unceasing industry he studied to exalt the priestly and prelatical character, which was his own. His zeal was unrelenting in the cause of religion; that is, in imposing, by rigorous measures, his own tenets and pious ceremonies on the obstinate puritans, who had profanely dared to oppose him. In prosecution of his holy purposes, he overlooked every human consideration; or, in other words, the heat and indiscretion of his temper made him neglect the views of prudence and rules of good manners. He was in this respect happy, that all his enemies were also imagined

⁷ Whitlocke, p. 13. May, p. 20.

by him the declared enemies to loyalty and true c H A P.
 piety, and that every exercise of his anger, by LII.
 that means, became in his eyes a merit and a 1630.
 virtue. This was the man who acquired so great
 an ascendant over Charles, and who led him,
 by the facility of his temper, into a conduct,
 which proved so fatal to himself and to his
 kingdoms.

THE humor of the nation ran at that time into Innovations
 the extreme opposite to superstition; and it was in the
 with difficulty that the ancient ceremonies, to church.
 which men had been accustomed, and which had
 been sanctified by the practice of the first reform-
 ers, could be retained in divine service: Yet
 was this the time which Laud chose for the in-
 troduction of new ceremonies and observances.
 Besides that these were sure to displease as in-
 novations, there lay, in the opinion of the public,
 another very forcible objection against them.
 Laud, and the other prelates who embraced his
 measures, were generally well-instructed in sacred
 antiquity, and had adopted many of those reli-
 gious sentiments, which prevailed during the
 fourth and fifth centuries; when the Christian
 church, as is well known, was already sunk into
 those superstitions, which were afterwards con-
 tinued and augmented by the policy of Rome.
 The revival, therefore, of the ideas and practices
 of that age, could not fail of giving the English
 faith and liturgy some resemblance to the catholic
 superstition, which the kingdom in general, and
 the puritans in particular, held in the greatest

G H A P. horror and detestation. Men also were apt to
 LII. think, that without some secret purpose, such
 1630. insignificant observances would not be imposed
 with such unrelenting zeal on the refractory
 nation; and that Laud's scheme was to lead back
 the English, by gradual steps, to the religion of
 their ancestors. They considered not, that the
 very insignificancy of these ceremonies recom-
 mended them to the superstitious prelate, and
 made them appear the more peculiarly sacred and
 religious, as they could serve to no other pur-
 pose. Nor was the resemblance to the Romish
 ritual any objection, but rather a merit, with
 Laud and his brethren; who bore a much greater
 kindness to the mother-church, as they called
 her, than to the sectaries and presbyterians, and
 frequently recommended her as a true Christian
 church; an appellation which they refused, or at
 least scrupled to give to the others*. So openly
 were these tenets espoused, that not only the dis-
 contented puritans believed the church of England
 to be relapsing fast into Romish superstition:
 The court of Rome itself entertained hopes of
 regaining its authority in this island; and, in
 order to forward Laud's supposed good intentions,
 an offer was twice made him, in private, of a
 cardinal's hat, which he declined accepting*.
 His answer was, as he says himself, *That something*

* May, p. 25.

* Rushworth, vol. ii. p. 190. Welwood, p. 61.

*dwelt within him, which would not suffer his compliance, till Rome were other than it is*¹⁰.

CHAP.
LII.
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A COURT-LADY, daughter of the earl of Devonshire, having turned catholic, was asked by Laud the reasons of her conversion. *'Tis chiefly, said she, because I hate to travel in a crowd.* The meaning of this expression being demanded, she replied, *I perceive your grace and many others are making haste to Rome; and therefore, in order to prevent my being crowded, I have gone before you.* It must be confessed, that though Laud deserved not the appellation of papist, the genius of his religion was, though in a less degree, the same with that of the Romish: The same profound respect was exacted to the sacerdotal character, the same submission required to the creeds and decrees of synods and councils, the same pomp and ceremony was affected in worship, and the same superstitious regard to days, postures, meats, and vestments. No wonder, therefore, that this prelate was, every-where, among the puritans, regarded with horror, as the fore-runner of antichrist.

As a specimen of the new ceremonies, to which Laud sacrificed his own quiet and that of the nation, it may not be amiss to relate those, which he was accused of employing in the consecration of St. Catherine's church, and which were the object of such general scandal and offence.

ON the bishop's approach to the west door of

¹⁰ Rushworth, vol. iii. p. 1327. Whitlocke, p. 97.

C H A P. the church, a loud voice cried, *Open, Open, ye*
 LII. *everlasting doors, that the king of glory may enter in!*
 1630. Immediately the doors of the church flew open,
 and the bishop entered. Falling upon his knees,
 with eyes elevated and arms expanded, he ut-
 tered these words: *This place is holy; the ground*
is holy; In the name of the Father, Son, and Holy
Ghost, I pronounce it holy.

GOING towards the chancel, he several times
 took up from the floor some of the dust, and
 threw it in the air. When he approached, with
 his attendants, near to the communion-table, he
 bowed frequently towards it: And on their
 return, they went round the church repeating
 as they marched along, some of the psalms: And
 then said a form of prayer, which concluded
 with these words: *We consecrate this church, and*
separate it unto thee as holy ground, not to be profaned
any more to common uses.

AFTER this, the bishop, standing near the
 communion-table, solemnly pronounced many
 imprecations upon such as should afterwards pol-
 lute that holy place by musters of soldiers, or
 keeping in it profane law-courts, or carrying
 burthens through it. On the conclusion of every
 curse he bowed towards the east, and cried, *Let*
all the people say, Amen.

THE imprecations being all so piously finished,
 there were poured out a number of blessings
 upon such as had any hand in framing and
 building that sacred and beautiful edifice, and on
 such as had given, or should hereafter give to it,

any chalices, plate, ornaments, or utensils. At every benediction, he in like manner bowed towards the east, and cried, *Let all the people say, Amen.*

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LII.
1630.

THE sermon followed; after which, the bishop consecrated and administered the sacrament in the following manner.

As he approached the communion-table, he made many lowly reverences: And coming up to that part of the table where the bread and wine lay, he bowed seven times. After the reading of many prayers, he approached the sacramental elements, and gently lifted up the corner of the napkin, in which the bread was placed. When he beheld the bread, he suddenly let fall the napkin, flew back a step or two, bowed three several times towards the bread; then he drew nigh again, opened the napkin, and bowed as before.

NEXT, he laid his hand on the cup, which had a cover upon it, and was filled with wine. He let go the cup, fell back, and bowed thrice toward it. He approached again; and lifting up the cover, peeped into the cup. Seeing the wine, he let fall the cover, started back, and bowed as before. Then he received the sacrament, and gave it to others. And many prayers being said, the solemnity of the consecration ended. The walls and floor and roof of the fabric were then supposed to be sufficiently holy¹¹.

¹¹ Rushworth, vol. ii. p. 76, 77. Welwood, p. 275. Franklyn, p. 386.

C H A P. ORDERS were given, and rigorously insisted
 LII. on, that the communion-table should be removed
 1630. from the middle of the area, where it hitherto
 stood in all churches, except in cathedrals¹².
 It was placed at the east end, railed in, and
 denominated an ALTAR; as the clergyman, who
 officiated, received commonly the appellation of
 PRIEST. It is not easy to imagine the discontents
 excited by this innovation, and the suspicions
 which it gave rise to.

THE kneeling at the altar, and the using of
 copes, a species of embroidered vestment, in
 administering the sacrament, were also known to
 be great objects of scandal, as being popish prac-
 tices: But the opposition rather increased than
 abated the zeal of the prelate, for the introduction
 of these habits and ceremonies.

ALL kinds of ornament, especially pictures,
 were necessary for supporting that mechanical
 devotion, which was purposed to be raised in
 this model of religion: But as these had been so
 much employed by the church of Rome, and
 had given rise to so much superstition, or what
 the puritans called idolatry; it was impossible to
 introduce them into English churches, without
 exciting general murmurs and complaints. But
 Laud, possessed of present authority, persisted in
 his purpose, and made several attempts towards
 acquiring these ornaments. Some of the pictures,
 introduced by him, were also found, upon

¹² Rushworth, vol. ii. p. 207. Whitlocke, p. 24.
 inquiry,

inquiry, to be the very same that might be met with in the mass-book. The crucifix too, that eternal consolation of all pious catholics, and terror to all sound protestants, was not forgotten on this occasion ¹³.

C H A P.

LII.

1630.

It was much remarked, that Sherfield, the recorder of Salisbury, was tried in the star-chamber, for having broken, contrary to the bishop of Salisbury's express injunctions, a painted window of St. Edmond's church in that city. He boasted, that he had destroyed these monuments of idolatry: But for this effort of his zeal, he was fined 500 pounds, removed from his office, condemned to make a public acknowledgment, and be bound to his good behaviour ¹⁴.

Not only such of the clergy, as neglected to observe every ceremony, were suspended and deprived by the high-commission-court: Oaths were, by many of the bishops, imposed on the church-wardens; and they were sworn to inform against any one, who acted contrary to the ecclesiastical canons ¹⁵. Such a measure, though practised during the reign of Elizabeth, gave much offence; as resembling too nearly the practice of the Romish inquisition.

To show the great alienation from the churches reformed after the presbyterian model, Laud

¹³ Rushworth, vol. ii. p. 272, 273.

¹⁴ Ibid. p. 152. State Trials, vol. v. p. 46. Franklyn, p. 410, 411, 412.

¹⁵ Rushworth, vol. ii. p. 186.

C H A P. advised, that the discipline and worship of the
 LII. church should be imposed on the English regi-
 1630. ments and trading companies abroad ¹⁶. All
 foreigners of the Dutch and Walloon congrega-
 tions were commanded to attend the established
 church; and indulgence was granted to none
 after the children of the first denizens ¹⁷. Scu-
 damore too, the king's ambassador at Paris, had
 orders to withdraw himself from the communion
 of the hugonots. Even men of sense were apt
 to blame this conduct, not only because it gave
 offence in England, but because, in foreign
 countries, it lost the crown the advantage of
 being considered as the head and support of the
 reformation ¹⁸.

ON pretence of pacifying disputes, orders were
 issued from the council, forbidding on both sides,
 all preaching and printing with regard to the
 controverted points of predestination and free-
 will. But it was complained of, and probably
 with reason, that the impartiality was altogether
 confined to the orders, and that the execution
 of them was only meant against the calvinists.

IN return for Charles's indulgence towards the
 church, Laud and his followers took care to
 magnify, on every occasion, the regal authority,
 and to treat, with the utmost disdain or detesta-
 tion, all puritanical pretensions to a free and

¹⁶ Rushworth, vol. p. 249. Franklyn, p. 451.

¹⁷ Rushworth, vol. ii. p. 272.

¹⁸ State papers collected by the earl of Clarendon, p. 338.

independent constitution. But while these prelates were so liberal in raising the crown at the expense of public liberty, they made no scruple of encroaching, themselves, on the royal rights the most incontestible; in order to exalt the hierarchy, and procure to their own order dominion and independence. All the doctrines which the Romish church had borrowed from some of the fathers, and which freed the spiritual from subordination to the civil power, were now adopted by the church of England, and interwoven with her political and religious tenets. A divine and apostolical charter was insisted on, preferably to a legal and parliamentary one¹⁹. The sacerdotal character was magnified as sacred and indefeasible: A right to spiritual authority, or even to private judgment in spiritual subjects, was refused to profane laymen: Ecclesiastical courts were held by the bishops in their own name, without any notice taken of the king's authority: And Charles, though extremely jealous of every claim in popular assemblies, seemed rather to encourage than repress those encroachments of his clergy. Having felt many sensible inconveniences from the independent spirit of parliaments, he attached himself entirely to those who professed a devoted obedience to his crown and person; nor did he foresee, that the ecclesiastical power, which he exalted, not admitting of any precise boundary, might in time become more dangerous to public

C H A P.

LII.

1630.

¹⁹ Whitlocke, p. 22.

C H A P. peace, and no less fatal to royal prerogative than
 LII. the other.

1630.

So early as the coronation, Laud was the person, according to general opinion, that introduced a novelty, which, though overlooked by Charles, made a deep impression on many of the bystanders. After the usual ceremonies, these words were recited to the king. "Stand and
 " hold fast, from henceforth, the place to which
 " you have been heir by the succession of your
 " forefathers, being now delivered to you by
 " the authority of Almighty God, and by the
 " hands of us and all the bishops and servants of
 " God. And, as you see the clergy to come
 " nearer the altar than others, so remember, that,
 " in all places convenient, you give them greater
 " honor; that the Mediator of God and man
 " may establish you on the kingly throne, to be
 " a mediator betwixt the clergy and the laity;
 " and that you may reign for ever with Jesus
 " Christ, the King of kings, and Lord of
 " lords²⁰."

THE principles, which exalted prerogative, were not entertained by the king merely as soft and agreeable to his royal ears: They were also put in practice during the time that he ruled without parliaments. Though frugal and regular in his expense, he wanted money for the support of government; and he levied it, either by the revival of obsolete laws, or by violations, some

²⁰ Franklyn, p. 114. Rushworth, vol. i. p. 201.

more open, some more disguised, of the privileges of the nation. Though humane and gentle in his temper, he gave way to a few severities in the star-chamber and high-commission, which seemed necessary, in order to support the present mode of administration, and repress the rising spirit of liberty throughout the kingdom. Under these two heads may be reduced all the remarkable transactions of this reign, during some years: For, in peaceable and prosperous times, where a neutrality in foreign affairs is observed, scarcely any thing is remarkable, but what is, in some degree, blamed, or blameable. And, lest the hope of relief or protection from parliament might encourage opposition, Charles issued a proclamation in which he declared, "That, whereas, "for several ill ends, the calling again of a "parliament is divulged; though his majesty has "shown, by frequent meetings with his people, "his love to the use of parliaments: Yet the "late abuse having, for the present, driven him "unwillingly out of that course; he will account "it presumption for any one to prescribe to him "any time for the calling of that assembly ²¹." This was generally construed as a declaration, that, during this reign, no more parliaments were intended to be summoned ²². And every measure of the king's confirmed a suspicion, so disagreeable to the generality of the people.

C H A P.
LII.
1630.

²¹ Parl. Hist. vol. viii. p. 389. Rush. vol. ii. p. 3.

²² Clarendon, vol. i. p. 4. May, p. 14.

C H A P.

LII.

1630.

Irregular
levies of
money.

TONNAGE and poundage continued to be levied by the royal authority alone. The former additional impositions were still exacted. Even new impositions were laid on several kinds of merchandize²³.

THE custom-house officers received orders from the council to enter into any house, warehouse, or cellar; to search any trunk or chest; and to break any bulk whatever; in default of the payment of customs²⁴.

IN order to exercise the militia, and to keep them in good order, each county, by an edict of the council, was assessed in a certain sum, for maintaining a muster-master, appointed for that service²⁵.

COMPOSITIONS were openly made with recusants, and the popish religion became a regular part of the revenue. This was all the persecution which it underwent during the reign of Charles²⁶.

A COMMISSION was granted for compounding with such as were possessed of crown-lands upon defective titles; and, on this pretence, some money was exacted from the people²⁷.

THERE was a law of Edward II²⁸, That whoever was possessed of twenty pounds a year in land, should be obliged, when summoned, to appear and to receive the order of knighthood.

²³ Rushworth, vol. ii. p. 8. May, p. 16.

²⁴ Rushworth, vol. ii. p. 9. ²⁵ Rushworth, vol. ii.

p. 10. ²⁶ Idem, ibid. p. 11, 12, 13, 247.

²⁷ Idem, ibid. p. 49. ²⁸ *Statutum de militibus*.

Twenty pounds, at that time, partly by the change of denomination, partly by that in the value of money, were equivalent to 200 in the seventeenth century; and it seemed just, that the king should not strictly insist on the letter of the law, and oblige people of so small revenue to accept of that expensive honor. Edward VI²⁹, and queen Elizabeth³⁰, who had both of them made use of this expedient for raising money, had summoned only those who were possessed of forty pounds a year and upwards to receive knighthood, or compound for their neglect; and Charles imitated their example, in granting the same indulgence. Commissioners were appointed for fixing the rates of composition; and instructions were given to these commissioners, not to accept of a less sum than would have been due by the party, upon a tax of three subsidies and a half³¹. Nothing proves more plainly, how ill-disposed the people were to the measures of the crown, than to observe, that they loudly complained of an expedient, founded on positive statute, and warranted by such recent precedents. The law was pretended to be obsolete; though only one reign had intervened since the last execution of it.

BARNARD, lecturer of St. Sepulchre's, London, used this expression in his prayer before sermon; *Lord, open the eyes of the queen's majesty, that she*

Severities of
the star-
chamber
and high
commission.

²⁹ Rymer, tom. xv. p. 124.

³⁰ Idem, p. 493. 504.

³¹ Rush. vol. ii. p. 70, 71, 72. May, p. 16.

C H A P. *may see Jesus Christ, whom she has pierced with her*
 LII. *infidelity, superstition, and idolatry.* He was questioned in the high-commission-court for this insult on the queen; but, upon his submission, dismissed³². Leighton who had written libels against the king, the queen, the bishops, and the whole administration, was condemned by a very severe, if not a cruel, sentence; but the execution of it was suspended for some time, in expectation of his submission³³. All the severities, indeed, of this reign were exercised against those who triumphed in their sufferings, who courted persecution, and braved authority: And, on that account, their punishment may be deemed the more just, but the less prudent. To have neglected them entirely, had it been consistent with order and public safety, had been the wisest measure, that could have been embraced; as perhaps it had been the most severe punishment, that could have been inflicted on these zealots.

1631.

IN order to gratify the clergy with a magnificent fabric, subscriptions were set on foot, for repairing and rebuilding St. Paul's; and the king, by his countenance and example, encouraged this laudable undertaking³⁴. By order of the privy-council, St. Gregory's church was removed, as an impediment to the project of extending and beautifying the cathedral. Some houses and shops

³² Rushworth, vol. ii. p. 32.

³³ Kennet's complete hist. vol. iii. p. 60. Whitlocke, p. 15.

³⁴ Idem, p. 17.

likewise were pulled down; and compensation was made to the owners³⁵. As there was no immediate prospect of assembling a parliament, such acts of power in the king became necessary; and in no former age would the people have entertained any scruple with regard to them. It must be remarked, that the Puritans were extremely averse to the raising of this ornament to the capital. It favored, as they pretended, of popish superstition.

C H A P.
LII.
1631.

A STAMP-DUTY was imposed on cards: A new tax, which, of itself, was liable to no objection; but appeared of dangerous consequence, when considered as arbitrary and illegal³⁶.

MONOPOLIES were revived; an oppressive method of levying money, being unlimited as well as destructive of industry. The last parliament of James, which abolished monopolies, had left an equitable exception in favor of new inventions; and on pretence of these, and of erecting new companies and corporations, was this grievance now renewed. The manufacture of soap was given to a company who paid a sum for their patent³⁷. Leather, salt, and many other commodities, even down to linen rags, were likewise put under restrictions.

It is affirmed by Clarendon, that so little benefit was reaped from these projects, that of

³⁵ Rushworth, vol. ii. p. 88, 89, 90. 207. 462. 718.

³⁶ Idem, ibid. p. 103.

³⁷ Rushworth, vol. ii. p. 136. 142. 189. 252.

C H A P. 200,000 pounds thereby levied on the people,
 LII. scarcely 1,500 came into the king's coffers. Though we ought not to suspect the noble historian of exaggerations to the disadvantage of Charles's measures; this fact, it must be owned, appears somewhat incredible. The same author adds, that the king's intention was to teach his subjects how unthrifty a thing it was to refuse reasonable supplies to the crown. An imprudent project! to offend a whole nation, under the view of punishment; and to hope, by acts of violence, to break their refractory spirits, without being possessed of any force to prevent resistance.

1632.

THE council of York had been first erected, after a rebellion, by a patent from Henry VIII. without any authority of parliament; and this exercise of power, like many others, was indulged to that arbitrary monarch. This council had long acted chiefly as a criminal court; but, besides some innovations, introduced by James, Charles thought proper, some time after Wentworth was made president, to extend its powers, and to give it a large civil jurisdiction, and that, in some respects, discretionary³⁸. It is not improbable, that the king's intention was only to prevent inconveniences, which arose from the bringing of every cause, from the most distant parts of the kingdom, into Westminster-hall: But the consequence, in the mean time, of this measure, was the putting of all the northern

³⁸ Rushworth, vol. ii. p. 158, 159, &c. Franklyn, p. 412.

counties out of the protection of ordinary law, and subjecting them to an authority somewhat arbitrary. Some irregular acts of that council were, this year, complained of³⁹.

C H A P.
LII.

THE court of star-chamber extended its authority; and it was matter of complaint, that it encroached upon the jurisdiction of the other courts; imposing heavy fines and inflicting severe punishment, beyond the usual course of justice. Sir David Foulis was fined 5,000 pounds, chiefly because he had dissuaded a friend from compounding with the commissioners of knighthood⁴⁰.

1633.

PRYNNE, a barrister of Lincoln's-Inn, had written an enormous quarto of a thousand pages, which he called *Histrion-Mastix*. Its professed purpose was to decry stage-plays, comedies, interludes, music, dancing; but the author likewise took occasion to declaim against hunting, public festivals, Christmas-keeping, bonfires, and Maypoles. His zeal against all these levities, he says, was first moved, by observing, that plays sold better than the choicest sermons, and that they were frequently printed on finer paper than the Bible itself. Besides, that the players were often papists, and desperately wicked; the play-houses, he affirms, are Satan's chapels, the play-haunters little better than incarnate devils; and so many steps in a dance, so many paces to hell. The chief crime of Nero he represents to have been,

³⁸ Rushworth, vol. ii. p. 202, 203.

⁴⁰ Ibid. vol. ii. p. 215, 216, &c.

C H A P. his frequenting and acting of plays; and those,
 LII. who nobly conspired his death, were principally
 1633. moved to it, as he affirms, by their indignation
 at that enormity. The rest of his thousand pages
 is of a like strain. He had obtained a licence
 from archbishop Abbot's chaplain; yet was he
 indicted in the star-chamber as a libeller. It was
 thought somewhat hard, that general invectives
 against plays should be interpreted into satires
 against the king and queen, merely because they
 frequented these amusements, and because the
 queen sometimes acted a part in pastorals and in-
 terludes, which were represented at court. The
 author, it must be owned, had, in plainer terms,
 blamed the hierarchy, the ceremonies, the inno-
 vations in religious worship, and the new super-
 stitions, introduced by Laud ⁴¹; and this pro-
 bably, together with the obstinacy and petulance
 of his behaviour before the star-chamber, was
 the reason why his sentence was so severe. He
 was condemned to be put from the bar; to stand
 on the pillory in two places, Westminster and

⁴¹ The music in the churches, he affirmed not to be
 the noise of men, but a bleating of brute beasts; choristers
 bellow the tenor, as it were oxen; bark a counterpart,
 as it were a kennel of dogs; roar out a treble, as it were
 a sort of bulls; and grunt out a bass, as it were a number
 of hogs; Christmas, as it is kept, is the devil's Christmas;
 and Prynne employed a great number of pages to persuade
 men to affect the name of *Puritan*, as if Christ had been
 a Puritan; and so he saith in his Index. Rushworth,
 vol. ii. p. 223.

Cheapside; to lose both his ears, one in each place; to pay 5,000 pounds, fine to the king; and to be imprisoned during life ⁴². C H A P. LII. 1633.

THIS same Prynne was a great hero among the Puritans; and it was chiefly with a view of mortifying that sect, that, though of an honorable profession, he was condemned by the star-chamber to so ignominious a punishment. The thorough-paced Puritans were distinguishable by the sourness and austerity of their manners, and by their aversion to all pleasure and society ⁴³. To inspire them with better humor, was certainly, both for their own sake and that of the public, a laudable intencion in the court; but whether pillories, fines, and prisons, were proper expedients for that purpose, may admit of some question.

ANOTHER expedient which the king tried, in order to infuse chearfulness into the national devotion, was not much more successful. He renewed his father's edict for allowing sports and recreations on Sunday to such as attended public worship; and he ordered his proclamation for that purpose to be publicly read by the clergy after divine service ⁴⁴. Those who were puritanically affected, refused obedience, and were punished by suspension or deprivation. The differences

⁴² Rushworth, vol. ii, p. 220, 221, &c.

⁴³ Dugdale, p. 2.

⁴⁴ Rushworth, vol. ii. p. 193, 459. Whitlocke, p. 16, 17. Franklyn, p. 437.

E H A P. between the sects were before sufficiently great;
LII. nor was it necessary to widen them farther by
1633. these inventions.

SOME encouragement and protection, which the king and the bishops gave to wakes, church-ales, bride-ales, and other chearful festivals of the common people, were the objects of like scandal to the Puritans⁴⁵.

June 12.

THIS year, Charles made a journey to Scotland, attended by the court, in order to hold a parliament there, and to pass through the ceremony of his coronation. The nobility and gentry of both kingdoms rivalled each other, in expressing all duty and respect to the king, and in showing mutual friendship and regard to each other. No one could have suspected, from exterior appearances, that such dreadful scenes were approaching.

ONE chief article of business (for it deserves the name), which the king transacted in this parliament, was, besides obtaining some supply, to procure authority for ordering the habits of clergymen⁴⁶. The act did not pass without opposition and difficulty. The dreadful surplice was before men's eyes; and they apprehended, with some reason, that, under sanction of this law, it would soon be introduced among them. Though the king believed, that his prerogative entitled him to a power, in general, of directing

⁴⁵ Rushworth, vol. ii. p. 191, 192. May, p. 2.

⁴⁶ Rushworth, *ibid.* p. 183.

whatever belonged to the exterior government of the church; this was deemed a matter of too great importance to be ordered without the sanction of a particular statute.

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IMMEDIATELY after the king's return to England, he heard of archbishop Abbot's death: And, without delay, he conferred that dignity on his favorite, Laud; who, by this accession of authority, was now enabled to maintain ecclesiastical discipline with greater rigor, and to aggravate the general discontent of the nation.

LAUD obtained the bishopric of London for his friend, Juxon; and, about a year after the death of Sir Richard Weston, created earl of Portland, had interest enough to engage the king to make that prelate high treasurer. Juxon was a person of great integrity, mildness, and humanity, and indued with a good understanding⁴⁷. Yet did this last promotion give general offence. His birth and character were deemed too obscure for a man raised to one of the highest offices of the crown. And the clergy it was thought, were already too much elated by former instances of the king's attachment to them, and needed not this farther encouragement to assume dominion over the laity⁴⁸. The Puritans, likewise, were much dissatisfied with Juxon, notwithstanding his eminent virtues; because he was a lover of profane field-sports, and hunting.

⁴⁷ Whitlocke, p. 23. Clarendon, vol. i. p. 99.

⁴⁸ Ibid. p. 97. May, p. 23.

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LII.

1633.

Ship-money.

SHIP-MONEY was now introduced. The first writs of this kind had been directed to sea-port towns only: But ship-money was at this time levied on the whole kingdom; and each county was rated at a particular sum, which was afterwards assessed upon individuals⁴⁹. The amount of the whole tax was very moderate, little exceeding 200,000 pounds: It was levied upon the people with equality: The money was entirely expended on the navy, to the great honor and advantage of the kingdom: As England had no military force, while all the other powers of Europe were strongly armed, a fleet seemed absolutely necessary for her security: And it was obvious, that a navy must be built and equipped at leisure, during peace; nor could it possibly be fitted out on a sudden emergency, when the danger became urgent: Yet all these considerations could not reconcile the people to the imposition. It was entirely arbitrary: By the same right any other tax might be imposed: And men thought a powerful fleet, though very desirable, both for the credit and safety of the kingdom, but an unequal recompence for their liberties, which, they apprehended, were thus sacrificed to the obtaining of it.

ENGLAND, it must be owned, was, in this respect, unhappy in its present situation, that the king had entertained a very different idea of the constitution, from that which *began*, in

⁴⁹ Rushworth, vol. ii. p. 257, 258, &c.

general,

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general, to prevail among his subjects. He did not regard national privileges as so sacred and inviolable, that nothing but the most extreme necessity could justify an infringement of them. He considered himself as the supreme magistrate, to whose care heaven, by his birth-right, had committed his people, whose duty it was to provide for their security and happiness, and who was vested with ample discretionary powers for that salutary purpose. If the observance of ancient laws and customs was consistent with the present convenience of government, he thought himself obliged to comply with that rule; as the easiest, the safest, and what procured the most prompt and willing obedience. But when a change of circumstances, especially if derived from the obstinacy of the people, required a new plan of administration; national privileges, he thought, must yield to supreme power; nor could any order of the state oppose any right to the will of the sovereign, directed to the good of the public⁵⁰. That these principles of government were derived from the uniform tenor of the English laws, it would be rash to affirm. The fluctuating nature of the constitution, the impatient humor of the people, and the variety of events, had, no doubt, in different ages, produced exceptions and contradictions. These observations alone may be established on both sides; *that* the appearances were sufficiently

⁵⁰ Rushworth, vol. iv. p. 535. 542.

C H A P. strong in favor of the king to apologize for
 LII. his following such maxims; and *that* public
 1634. liberty must be so precarious under this exorbi-
 tant prerogative, as to render an opposition not
 only excusable but laudable, in the people⁵¹.

SOME laws had been enacted, during the reign
 of Henry VII. against depopulation, or the con-
 verting of arable lands into pasture. By a
 decree of the star-chamber, Sir Anthony Roper
 was fined 4000 pounds for an offence of that
 nature⁵². This severe sentence was intended to
 terrify others into composition; and above 30,000
 pounds were levied by that expedient⁵³. Like
 compositions, or, in default of them, heavy
 fines, were required for encroachments on the
 king's forests; whose bounds, by decrees deemed
 arbitrary, were extended much beyond what
 was usual⁵⁴. The bounds of one forest, that of
 Rockingham, were increased from six miles to
 sixty⁵⁵. The same refractory humor, which
 made the people refuse to the king voluntary
 supplies, disposed them, with better reason, to
 murmur against these irregular methods of taxa-
 tion.

MORLEY was fined 10,000 pounds, for reviling,
 challenging, and striking, in the court of White-

⁵¹ See note [A] at the end of the volume.

⁵² Rushworth, vol. ii. p. 270. Vol. iii. App. p. 106.

⁵³ Idem, ibid. vol. iii. p. 333. Franklyn, p. 478.

⁵⁴ May, p. 16.

⁵⁵ Strafford's letters and dispatches, vol. ii. p. 117.

hall, Sir George Theobald, one of the king's servants⁵⁶. This fine was thought exorbitant; but whether it was compounded, as was usual in fines imposed by the star-chamber, we are not informed.

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ALLISON had reported, that the archbishop of York had incurred the king's displeasure, by asking a limited toleration for the catholics, and an allowance to build some churches for the exercise of their religion. For this slander against the archbishop, he was condemned in the star-chamber to be fined 1000 pounds, to be committed to prison, to be bound to his good behaviour during life, to be whipped, and to be set on the pillory at Westminster, and in three other towns in England. Robins, who had been an accomplice in the guilt, was condemned by a sentence equally severe⁵⁷. Such events are rather to be considered as rare and detached incidents, collected by the severe scrutiny of historians, than as proofs of the prevailing genius of the king's administration, which seems to have been more gentle and equitable than that of most of his predecessors: There were on the whole only five or six such instances of rigor during the course of fifteen years, which elapsed before the meeting of the long parliament. And it is also certain, that scandal against the great, though seldom, pro-

⁵⁶ Rushworth, vol. ii. p. 270.

⁵⁷ Ibid. p. 269.

C H A P. prosecuted at present, is, however, in the eye of
 LII. the law, a great crime, and subjects the offender
 1634. to very heavy penalties.

THERE are other instances of the high respect paid to the nobility and to the great in that age; when the powers of monarchy, though disputed, still maintained themselves in their pristine vigor. Clarendon ⁵⁸ tells us a pleasant incident to this purpose: A waterman, belonging to a man of quality, having a squabble with a citizen about his fare, showed his badge, the crest of his master, which happened to be a swan; and thence insisted on better treatment from the citizen. But the other replied carelessly, that he did not trouble his head about that goose. For this offence, he was summoned before the marshal's court; was fined, as having opprobriously defamed the nobleman's crest, by calling the swan a goose; and was in effect reduced to beggary.

SIR Richard Granville had thought himself ill used by the earl of Suffolk in a law-suit; and he was accused before the star-chamber of having said of that nobleman, that he was a base lord. The evidence against him was somewhat lame; yet for this slight offence, insufficiently proved, he was condemned to pay a fine of 8000 pounds; one half to the earl, the other to the king ⁵⁹.

SIR George Markham, following a chase

⁵⁸ Life of Clarendon, vol. i. p. 72.

⁵⁹ Lord Lansdown, p. 514.

where lord Darcy's huntsman was exercising his hounds, kept closer to the dogs than was thought proper by the huntsman, who, besides other rudeness, gave him foul language, which Sir George returned with a stroke of his whip. The fellow threatened to complain to his master: The knight replied, If his master should justify such insolence, he would serve him in the same manner, or words to that effect. Sir George was summoned before the star-chamber, and fined 10,000 pounds. *So fine a thing was it in those days to be a lord!* — A natural reflection of lord Lansdown's, in relating this incident⁶⁰. The people, in vindicating their liberties from the authority of the crown, threw off also the yoke of the nobility. It is proper to remark, that this last incident happened early in the reign of James. The present practice of the star-chamber was far from being an innovation; though the present dispositions of the people made them repine more at this servitude.

CHARLES had imitated the example of Elizabeth and James, and had issued proclamations forbidding the landed gentlemen and the nobility to live idly in London, and ordering them to

⁶⁰ Lord Lansdown, p. 515. This story is told differently in Hobart's Reports, p. 120. It there appears, that Markham was fined only 500 pounds, and very deservedly: For he gave the lie and wrote a challenge to lord Darcy. James was anxious to discourage the practice of duelling, which was then very prevalent.

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retire to their country-seats ⁶¹. For disobedience to this edict, many were indicted by the attorney-general, and were fined in the star-chamber ⁶². This occasioned discontents; and the sentences were complained of, as illegal. But if proclamations had authority, of which nobody pretended to doubt, must they not be put in execution? In no instance, I must confess, does it more evidently appear, what confused and uncertain ideas were, during that age, entertained concerning the English constitution.

RAY, having exported fuller's-earth, contrary to the king's proclamation, was, besides the pillory, condemned in the star-chamber to a fine of 2000 pounds ⁶³. Like fines were levied on Terry, Eman, and others, for disobeying a proclamation which forbade the exportation of gold ⁶⁴. In order to account for the subsequent convulsions, even these incidents are not to be overlooked, as frivolous or contemptible. Such severities were afterwards magnified into the greatest enormities.

THERE remains a proclamation of this year, prohibiting hackney-coaches from standing in the street ⁶⁵. We are told, that there were not above twenty coaches of that kind in London. There are, at present, near eight hundred.

1636.

THE effects of ship-money began now to appear.

⁶¹ Rushworth, vol. ii. p. 144.

⁶² Idem, ibid. p. 288.

⁶³ Rushworth, vol. ii. p. 348.

⁶⁴ Idem, ibid. p. 350.

⁶⁵ Idem, ibid. p. 316.

A formidable fleet of sixty sail, the greatest that England had ever known, was equipped under the earl of Northumberland, who had orders to attack the herring-busses of the Dutch, which fished in what were called the British seas. The Dutch were content to pay 30,000 pounds for a licence during this year. They openly denied, however, the claim of dominion in the seas, beyond the friths, bays, and shores; and it may be questioned whether the laws of nations warrant any farther pretensions. C H A P.
LII.

THIS year the king sent a squadron against Sallee; and with the assistance of the emperor of Morocco, destroyed that receptacle of pirates, by whom the English commerce and even the English coasts had long been infested.

BURTON a divine, and Bastwick a physician, were tried in the star-chamber for seditious and schismatical libels, and were condemned to the same punishment that had been inflicted on Prynne. Prynne himself was tried for a new offence; and, together with another fine of 5000 pounds, was condemned to lose what remained of his ears. Besides, that these writers had attacked, with great severity, and even an intemperate zeal, the ceremonies, rites, and government of the church; the very answers which they gave in to the court, were so full of contumacy and of invectives against the prelates that no lawyer could be prevailed on to sign them. The rigors, however, which they

1637.

“ Rushworth, vol. ii. p. 381, 382, &c. State Trials, vol. v. p. 66. D 4

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underwent, being so unworthy men of their profession, gave general offence; and the patience, or rather alacrity, with which they suffered, increased still farther the indignation of the public⁶⁷. The severity of the star-chamber, which was generally ascribed to Laud's passionate disposition, was, perhaps, in itself, somewhat blameable; but will naturally, to us, appear enormous, who enjoy, in the utmost latitude, that liberty of the press, which is esteemed so necessary in every monarchy, confined by strict legal limitations. But as these limitations were not regularly fixed during the age of Charles, nor at any time before; so was this liberty totally unknown, and was generally deemed, as well as religious toleration, incompatible with all good government. No age or nation, among the moderns, had ever set an example of such an indulgence: And it seems unreasonable to judge of the measures, embraced during one period, by the maxims, which prevail in another.

BURTON, in his book where he complained of innovations, mentioned among others, that a certain Wednesday had been appointed for a fast, and that the fast was ordered to be celebrated without any sermons⁶⁸. The intention, as he pretended, of that novelty, was, by the example of a fast without sermons, to suppress all the Wednesday's lectures in London. It is

⁶⁷ State Trials, vol. v. p. 80.

⁶⁸ Ibid. p. 74. Franklyn, p. 832.

observable, that the church of Rome and that of England, being, both of them, lovers of form and ceremony and order, are more friends to prayer than preaching; while the puritanical sectaries, who find that the latter method of address, being directed to a numerous audience present and visible, is more inflaming and animating, have always regarded it as the chief part of divine service. Such circumstances, though minute, it may not be improper to transmit to posterity; that those, who are curious of tracing the history of the human mind, may remark, how far its several singularities coincide in different ages.

CERTAIN zealots had erected themselves into a society for buying in of impropriations, and transferring them to the church; and great sums of money had been bequeathed to the society for these purposes. But it was soon observed, that the only use, which they made of their funds, was, to establish lectures in all the considerable churches; men, who, without being subjected to episcopal authority, employed themselves entirely in preaching and spreading the fire of puritanism. Laud took care, by a decree, which was passed in the court of exchequer, and which was much complained of, to abolish this society, and to stop their progress⁶⁹. It was, however, still observed, that, throughout England, the

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⁶⁹ Rushworth, vol. ii. p. 150, 151. Whitlocke, p. 15. History of the life and sufferings of Laud, p. 211, 212.

C H A P. lecturers were all of them puritanically affected;
 LII. and from them the clergymen, who contented
 1637. themselves with reading prayers and homilies to
 the people, commonly received the reproachful
 appellation of *dumb dogs*.

THE puritans, restrained in England, shipped themselves off for America, and laid there the foundations of a government, which possessed all the liberty, both civil and religious, of which they found themselves bereaved in their native country. But their enemies, unwilling that they should any where enjoy ease and contentment, and dreading, perhaps, the dangerous consequences of so disaffected a colony, prevailed on the king to issue a proclamation, debarring these devotees access even into those inhospitable deserts⁷⁰. Eight ships, lying in the Thames, and ready to sail, were detained by order of the council; and in these were embarked Sir Arthur Hazelrig, John Hambden, John Pym, and Oliver Cromwel⁷¹, who had resolved for ever to abandon their native country, and fly to the other extremity of the globe; where they might

⁷⁰ Rushworth, vol. ii. p. 409. 418.

⁷¹ Mather's History of New England, book i. Dugdale. Bates. Hutchinson's Hist. of Massachusetts Bay, vol. i. p. 42. This last quoted author puts the fact beyond controversy. And it is a curious fact, as well with regard to the characters of the men, as of the times. Can any one doubt, that the ensuing quarrel was almost entirely theological not political? What might be expected of the populace, when such was the character of the most enlightened leaders?

enjoy lectures and discourses of any length or form which pleased them. The king had afterwards full leisure to repent this exercise of his authority.

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THE bishop of Norwich, by rigorously insisting on uniformity, had banished many industrious tradesmen from that city, and chased them into Holland ⁷². The Dutch began to be more intent on commerce than on orthodoxy; and thought, that the knowledge of useful arts and obedience to the laws formed a good citizen; though attended with errors in subjects, where it is not allowable for human nature to expect any positive truth or certainty.

COMPLAINTS about this time were made, that the petition of right was, in some instances, violated, and that, upon a commitment by the king and council, bail or releasement had been refused to Jennings, Pargiter, and Danvers ⁷³.

WILLIAMS, bishop of Lincoln, a man of spirit and learning, a popular prelate, and who had been lord keeper, was fined 10,000 pounds by the star-chamber, committed to the Tower during the king's pleasure, and suspended from his office. This severe sentence was founded on frivolous pretences, and was more ascribed to Laud's vengeance, than to any guilt of the bishop ⁷⁴. Laud, however, had owed his first promotion to the good offices of that prelate with king James.

⁷² May, p. 82. ⁷³ Rush. vol. ii. p. 414.

⁷⁴ Rushworth, vol. ii. p. 416, &c.

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But so implacable was the haughty primate, that he raised up a new prosecution against Williams, on the strangest pretence imaginable. In order to levy the fine above-mentioned, some officers had been sent to seize all the furniture and books of his episcopal palace of Lincoln; and in rummaging the house, they found in a corner some neglected letters, which had been thrown by as useless. These letters were written by one Osbaldistone, a schoolmaster, and were directed to Williams. Mention was there made of *a little great man*; and in another passage, the same person was denominated *a little urchin*. By inferences and constructions, these epithets were applied to Laud; and on no better foundation was Williams tried a-new, as having received scandalous letters, and not discovering that private correspondence. For this offence, another fine of 8000 pounds was levied on him: Osbaldistone was likewise brought to trial, and condemned to pay a fine of 5000 pounds, and to have his ears nailed to the pillory before his own school. He saved himself by flight; and left a note in his study, wherein he said, "That he was gone beyond Canterbury".

THESE prosecutions of Williams seem to have been the most iniquitous measure, pursued by the court, during the time that the use of parliaments was suspended. Williams had been indebted for all his fortune to the favor of James; but

²⁵ Rushworth, vol. ii. p. 803, &c. Whitlocke, p. 25.

having quarrelled, first with Buckingham, then with Laud, he threw himself into the country party; and with great firmness and vigor opposed all the measures of the king. A creature of the court to become its obstinate enemy, a bishop to countenance puritans; these circumstances excited indignation, and engaged the ministers in those severe measures. Not to mention, what some writers relate, that, before the sentence was pronounced against him, Williams was offered a pardon upon his submission, which he refused to make. The court was apt to think, that so refractory a spirit must by any expedient be broken and subdued.

IN a former trial, which Williams underwent⁷⁶ (for these were not the first) there was mentioned, in court, a story, which, as it discovers the genius of parties, may be worth relating. Sir John Lambe urging him to prosecute the puritans, the prelate asked, what sort of people these same puritans were? Sir John replied, "That to the world they seemed to be such as would not swear, whore, or be drunk; but they would lie, cozen, and deceive: That they would frequently hear two sermons a-day, and repeat them too, and that sometimes they would fast all day long." This character must be conceived to be satirical; yet, it may be allowed, that that sect was more averse to such irregularities as proceed from the excess of gaiety and pleasure, than

⁷⁶ Rushworth, vol. ii. p. 416.

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C H A P. to those enormities, which are the most destructive
 LII. of society. The former were opposite to the very
 1637. genius and spirit of their religion ; the latter were
 only a transgression of its precepts : And it was
 not difficult for a gloomy enthusiast to convince
 himself, that a strict observance of the one would
 atone for any violation of the other.

IN 1632, the treasurer, Portland, had insisted
 with the vintners, that they should submit to a
 tax of a penny a quart, upon all the wine,
 which they retailed. But they rejected the demand.
 In order to punish them, a decree, suddenly,
 without much inquiry or examination, passed in
 the star-chamber, prohibiting them to sell or dress
 victuals in their houses⁷⁷. Two years after, they
 were questioned for the breach of this decree;
 and in order to avoid punishment, they agreed
 to lend the king six thousand pounds. Being
 threatened, during the subsequent years, with
 fines and prosecutions, they at last compounded
 the matter, and submitted to pay half of that
 duty, which was at first demanded of them⁷⁸. It
 required little foresight to perceive, that the
 king's right of issuing proclamations must, if
 prosecuted, draw on a power of taxation.

LILBURNE was accused before the star-chamber,
 of publishing and dispersing seditious pamphlets.
 He was ordered to be examined ; but refused to
 take the oath, usual in that court, that he would
 answer interrogatories, even though they might

⁷⁷ Rush. vol. ii. p. 197.

⁷⁸ Idem, ibid. p. 451.

lead him to accuse himself. For this contempt, as it was interpreted, he was condemned to be whipped, pilloried, and imprisoned. While he was whipped at the cart, and stood on the pillory, he harangued the populace, and declaimed violently against the tyranny of bishops. From his pockets also he scattered pamphlets, said to be seditious; because they attacked the hierarchy. The star-chamber, which was sitting at that very time, ordered him immediately to be gagged. He ceased not, however, though both gagged and pilloried, to stamp with his foot and gesticulate, in order to show the people, that, if he had it in his power, he would still harangue them. This behaviour gave fresh provocation to the star-chamber; and they condemned him to be imprisoned in a dungeon, and to be loaded with irons⁷⁹. It was found difficult to break the spirits of men, who placed both their honor and their conscience in suffering.

THE jealousy of the church appeared in another instance less tragical. Archy, the king's fool, who, by his office, had the privilege of jesting on his master, and the whole court, happened unluckily to try his wit upon Laud, who was too sacred a person to be played with. News having arrived from Scotland of the first commotions excited by the liturgy, Archy seeing the primate pass by, called to him, *Who's fool, now, my lord?* For this offence, Archy was ordered, by

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⁷⁹ Rushworth, vol. ii. p. 465, 466, 467.

6 H A P. sentence of the council, to have his coat pulled
 LII. over his head, and to be dismissed the king's
 1637: service ⁸⁰.

HERE is another instance of that rigorous subjection, in which all men were held by Laud. Some young gentlemen of Lincoln's-inn, heated by their cups, having drunk confusion to the archbishop, were at his instigation cited before the star-chamber. They applied to the earl of Dorset for protection. *Who bears witness against you?* said Dorset, *One of the drawers*, they said. *Where did he stand, when you were supposed to drink this health?* subjoined the earl. *He was at the door*, they replied, *going out of the room*. *Tush!* cried he, *the drawer was mistaken: You drank confusion to the archbishop of Canterbury's enemies; and the fellow was gone before you pronounced the last word*. This hint supplied the young gentlemen with a new method of defence: And being advised by Dorset to behave with great humility and great submission to the primate; the modesty of their carriage, the ingenuity of their apology, with the patronage of that noble lord, saved them from any severer punishment than a reproof and admonition, with which they were dismissed ⁸¹.

Trial of
 Hambden.

THIS year, John Hambden acquired, by his spirit and courage, universal popularity throughout the nation, and had merited great renown

⁸⁰ Rush. vol. ii. p. 470. Welwood, p. 278.

⁸¹ Rush. vol. iii. p. 181.

with

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with posterity, for the bold stand which he made, in defence of the laws and liberties of his country. After the imposing of ship-money, Charles, in order to discourage all opposition, had proposed this question to the judges; "Whether, in a case of necessity, for the defence of the kingdom, he might not impose this taxation?" and whether he were not sole judge of the necessity?" These guardians of law and liberty replied, with great complaisance, "That in a case of necessity he might impose that taxation, and that he was sole judge of the necessity⁸²". Hambden had been rated at twenty shillings for an estate, which he possessed in the county of Buckingham: Yet notwithstanding this declared opinion of the judges, notwithstanding the great power, and sometimes rigorous maxims of the crown, notwithstanding the small prospect of relief from parliament; he resolved, rather than tamely submit to so illegal an imposition, to stand a legal prosecution, and expose himself to all the indignation of the court. The case was argued during twelve days, in the exchequer-chamber, before all the judges of England; and the nation regarded, with the utmost anxiety, every circumstance of this celebrated trial. The event was easily foreseen: But the principles, and reasonings, and behaviour of the parties, engaged in the trial, were much canvassed and inquired into; and nothing could equal the favor

⁸² Rushworth, vol. ii. p. 355. Whitlocke, p. 24.

C H A P. paid to the one side, except the hatred which
 LIII. attended the other.

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It was urged by Hambden's council, and by his partisans in the nation, that the plea of necessity was in vain introduced into a trial of law; since it was the nature of necessity to abolish all law, and, by irresistible violence, to dissolve all the weaker and more artificial ties of human society. Not only the prince, in cases of extreme distress, is exempted from the ordinary rules of administration: All orders of men are then levelled; and any individual may consult the public safety by any expedient, which his situation enables him to employ. But to produce so violent an effect, and so hazardous to every community, an ordinary danger or difficulty is not sufficient; much less, a necessity, which is merely factitious and pretended. Where the peril is urgent and extreme, it will be palpable to every member of the society; and though all ancient rules of government are in that case abrogated, men will readily, of themselves, submit to that irregular authority, which is exerted for their preservation. But what is there in common between such suppositions, and the present condition of the nation? England enjoys a profound peace with all her neighbours: And what is more, all her neighbours are engaged in furious and bloody wars among themselves, and by their mutual enmities farther ensure her tranquillity. The very writs themselves, which are issued for the levying of ship-money, contradict the sup-

position of necessity, and pretend only that the seas are infested with pirates; a slight and temporary inconvenience, which may well await a legal supply from parliament. The writs likewise allow several months for equipping the ships; which proves a very calm and deliberate species of necessity, and one that admits of delay much beyond the forty days requisite for summoning that assembly. It is strange too, that an extreme necessity which is always apparent, and usually comes to a sudden crisis, should now have continued, without interruption, for near four years, and should have remained, during so long a time, invisible to the whole kingdom. And as to the pretension, that the king is sole judge of the necessity; what is this but to subject all the privileges of the nation to his arbitrary will and pleasure? To expect that the public will be convinced by such reasoning, must aggravate the general indignation; by adding, to violence against men's persons and their property, so cruel a mockery of their understanding.

IN vain are precedents of ancient writs produced: These writs, when examined, are only found to require the sea-ports, sometimes at their own charge, sometimes at the charge of the counties, to send their ships for the defence of the nation. Even the prerogative, which empowered the crown to issue such writs, is abolished, and its exercise almost entirely discontinued, from the time of Edward III^s; and all the

^s State Trials, vol. v. p. 245. 255.

C H A P. authority, which remained, or was afterwards
 LII. exercised, was to press ships into the public
 1637. service, to be paid for by the public. How wide
 are these precedents from a power of obliging
 the people, at their own charge, to build new
 ships, to victual and pay them, for the public;
 nay, to furnish money to the crown for that
 purpose? What security either against the farther
 extension of this claim, or against diverting to
 other purposes the public money, so levied?
 The plea of necessity would warrant any other
 taxation as well as that of ship-money: Where-
 ever any difficulty shall occur, the administration,
 instead of endeavouring to elude or overcome it,
 by gentle and prudent measures, will instantly
 represent it as a reason for infringing all ancient
 laws and institutions: And if such maxims and
 such practices prevail; what has become of
 national liberty? What authority is left to the
 great charter, to the statutes, and to that very
 petition of right, which, in the present reign,
 had been so solemnly enacted by the concurrence
 of the whole legislature?

The defenceless condition of the kingdom
 while unprovided with a navy; the inability of
 the king, from his established revenues, with
 the utmost care and frugality, to equip and
 maintain one; the impossibility of obtaining, on
 reasonable terms, any voluntary supply from par-
 liament: All these are reasons of state, not topics
 of law. If these reasons appear to the king so
 urgent as to dispense with the legal rules of

government; let him enforce his edicts, by his court of star-chamber, the proper instrument of irregular and absolute power; not prostitute the character of his judges by a decree, which is not, and cannot possibly be legal. By this means the boundaries, at least, will be kept more distinct between ordinary law and extraordinary exertions of prerogative; and men will know, that the national constitution is only suspended during a present and difficult emergency, but has not undergone a total and fundamental alteration.

NOTWITHSTANDING these reasons, the prejudiced judges, four⁸⁴ excepted, gave sentence in favor of the crown. Hambden, however, obtained by the trial the end, for which he had so generously sacrificed his safety and his quiet: The people were roused from their lethargy, and became sensible of the danger, to which their liberties were exposed. These national questions were canvassed in every company; and the more they were examined, the more evidently did it appear to many, that liberty was totally subverted, and an unusual and arbitrary authority exercised over the kingdom. Slavish principles, they said, concur with illegal practices; ecclesiastical tyranny gives aid to civil usurpation; iniquitous taxes are supported by arbitrary punishments; and all the privileges of the nation, transmitted through so many ages, secured by so many laws, and

⁸⁴ See State Trials: Article Ship-money, which contains the speeches of four judges in favor of Hambden.

C H A P. purchased by the blood of so many heroes and
 LII. patriots, now lie prostrate at the feet of the
 1637. monarch. What though public peace and national
 industry increased the commerce and opulence of
 the kingdom? This advantage was temporary,
 and due alone, not to any encouragement given
 by the crown, but to the spirit of the English,
 the remains of their ancient freedom. What
 though the personal character of the king, amidst
 all his misguided counsels, might merit indulgence,
 or even praise? He was but one man; and the
 privileges of the people, the inheritance of mil-
 lions, were too valuable to be sacrificed to his
 prejudices and mistakes. Such, or more severe,
 were the sentiments promoted by a great party
 in the nation: No excuse on the king's part, or
 alleviation, how reasonable soever, could be
 hearkened to or admitted: And to redress these
 grievances, a parliament was impatiently longed
 for; or any other incident, however calamitous,
 that might secure the people against those oppres-
 sions, which they felt, or the greater ills, which
 they apprehended, from the combined encroach-
 ments of church and state.

C H A P. L I I I.

Discontents in Scotland — Introduction of the canons and liturgy — A tumult at Edingburgh — The covenant — A general assembly — Episcopacy abolished — War — A pacification — Renewal of the war — Fourth English parliament — Dissolution — Discontents in England — Rout at Newburn — Treaty at Rippon — Great council of the peers.

THE grievances, under which the English labored, when considered in themselves, without regard to the constitution, scarcely deserve the name; nor were they either burthenfome on the people's properties, or anywise shocking to the natural humanity of mankind. Even the imposition of ship-money, independent of the consequences, was a great and evident advantage to the public; by the judicious use, which the king made of the money levied by that expedient. And though it was justly apprehended, that such precedents, if patiently submitted to, would end in a total disuse of parliaments, and in the establishment of arbitrary authority; Charles dreaded no opposition from the people, who are not commonly much affected with consequences, and require some striking motive, to engage them in a resistance of established government. All ecclesiastical affairs were settled by law and uninterrupted precedent; and the church was

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C H A P. become a considerable barrier to the power;
 LIIT. both legal and illegal, of the crown. Peace too,
 1637. industry, commerce, opulence; nay, even justice
 and lenity of administration, notwithstanding
 some very few exceptions: All these were enjoyed
 by the people; and every other blessing of
 government, except liberty, or rather the present
 exercise of liberty, and its proper security.¹ It
 seemed probable, therefore, that affairs might
 long have continued on the same footing in
 England, had it not been for the neighbourhood
 of Scotland; a country more turbulent, and less
 disposed to submission and obedience. It was
 thence the commotions first arose; and it is
 therefore time for us to return thither, and to
 give an account of the state of affairs in that
 kingdom.

Discontents
 in Scotland.

THOUGH the pacific, and not unskilful govern-
 ment of James, and the great authority, which
 he had acquired, had much allayed the feuds
 among the great families, and had established
 law and order throughout the kingdom; the
 Scottish nobility were still possessed of the chief
 power and influence over the people. Their
 property was extensive; their hereditary jurisdic-
 tions and the feudal tenures increased their au-
 thority; and the attachment of the gentry to the
 heads of families established a kind of voluntary
 servitude under the chieftains. Besides that long
 absence had much loosened the king's connexions

¹ Clarendon, p. 74, 75. May, p. 18. Warwicke, p. 62.

with the nobility, who resided chiefly at their country-seats; they were, in general, at this time, though from slight causes, much disgusted with the court. Charles, from the natural piety or superstition of his temper, was extremely attached to the ecclesiastics: And as it is natural for men to persuade themselves, that their interest coincides with their inclination; he had established it as a fixed maxim of policy, to increase the power and authority of that order. The prelates, he thought, established regularity and discipline among the clergy; the clergy inculcated obedience and loyalty among the people: And as that rank of men had no separate authority, and no dependence but on the crown; the royal power, it would seem, might, with the greater safety, be intrusted in their hands. Many of the prelates, therefore, were raised to the chief dignities of the state²: Spotswood, archbishop of St. Andrews, was created chancellor: Nine of the bishops were privy counsellors: The bishop of Ross aspired to the office of treasurer: Some of the prelates possessed places in the exchequer; And it was even endeavoured to revive the first institution of the college of justice, and to share equally between the clergy and laity the whole judicial authority³. These advantages, possessed by the church, and which the bishops did not always enjoy with suitable

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² Rushworth, vol. ii. p. 386. May, p. 29.

³ Guthry's Memoirs, p. 14. Burnet's Mem. p. 29, 30.

G H A P. modesty, disgusted the haughty nobility, who,
 LIIL. deeming themselves much superior in rank and
 1637. quality to this new order of men, were displeased
 to find themselves inferior in power and influence.
 Interest joined itself to ambition; and begat a
 jealousy, lest the episcopal sees, which, at the
 reformation, had been pillaged by the nobles,
 should again be enriched at the expense of that
 order. By a most useful and beneficial law, the
 impropriations had already been ravished from
 the great men: Competent salaries had been
 assigned to the impoverished clergy from the
 tithes of each parish: and what remained, the
 proprietor of the land was impowered to purchase
 at a low valuation ⁴. The king likewise, war-
 ranted by ancient law and practice, had declared
 for a general resumption of all crown-lands, alien-
 ated by his predecessors; and though he took no
 step towards the execution of this project, the
 very pretension to such power had excited jealousy
 and discontent ⁵.

NOTWITHSTANDING the tender regard which
 Charles bore to the whole church, he had been
 able, in Scotland, to acquire only the affection
 of the superior rank among the clergy. The
 ministers, in general, equalled, if not exceeded
 the nobility, in their prejudices against the
 court, against the prelates, and against episcopal
 authority ⁶. Though the establishment of the

⁴ King's Declaration, p. 7. Franklyn, p. 611.

⁵ King's Declaration, p. 6. ⁶ Burnet, Mem. p. 29, 30.

hierarchy might seem advantageous to the inferior clergy, both as it erected dignities, to which all of them might aspire, and as it bestowed a lustre on the whole body, and allured men of family into it; these views had no influence on the Scottish ecclesiastics. In the present disposition of men's minds, there was another circumstance, which drew consideration, and counterbalanced power and riches, the usual foundations of distinction among men; and that was, the fervor of piety, and the rhetoric, however barbarous, of religious lectures and discourses. Checked by the prelates in the licence of preaching, the clergy regarded episcopal jurisdiction both as a tyranny and an usurpation, and maintained a parity among ecclesiastics to be a divine privilege, which no human law could alter or infringe. While such ideas prevailed, the most moderate exercise of authority would have given disgust; much more, that extensive power, which the king's indulgence encouraged the prelates to assume. The jurisdiction of presbyteries, synods, and other democratical courts, was, in a manner, abolished by the bishops; and the general assembly itself had not been summoned for several years⁷. A new oath was arbitrarily imposed on entrants, by which they swore to observe the articles of Perth, and submit to the liturgy and canons. And in a word, the whole system of church-government, during a course

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⁷ May, p. 29.

C H A P. of thirty years , had been changed by means
 LIII. of the innovations , introduced by James and
 1637. Charles.

THE people , under the influence of the nobility and clergy , could not fail to partake of the discontents , which prevailed among these two orders; and where real grounds of complaint were wanting , they greedily laid hold of imaginary ones. The same horror against popery , with which the English puritans were possessed , was observable among the populace in Scotland ; and among these , as being more uncultivated and uncivilized , seemed rather to be inflamed into a higher degree of ferocity. The genius of religion , which prevailed in the court and among the prelates , was of an opposite nature ; and having some affinity to the Romish worship , led them to mollify , as much as possible , these severe prejudices , and to speak of the catholics in more charitable language , and with more reconciling expressions. From this foundation , a panic fear of popery was easily raised ; and every new ceremony or ornament , introduced into divine service , was part of that great mystery of iniquity , which , from the encouragement of the king and the bishops , was to overspread the nation ^s. The few innovations , which James had made , were considered as preparatives to this grand design ; and the farther alterations , attempted by Charles , were represented as a plain decla-

^s Burnet's Mem. p. 29, 30, 31.

ration of his intentions. Through the whole course of this reign, nothing had more fatal influence, in both kingdoms, than this groundless apprehension, which, with so much industry, was propagated, and with so much credulity, was embraced, by all ranks of men.

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AMIDST these dangerous complaints and terrors of religious innovation, the civil and ecclesiastical liberties of the nation were imagined, and with some reason, not to be altogether free from invasion.

THE establishment of the high-commission by James, without any authority of law, seemed a considerable encroachment of the crown; and erected the most dangerous and arbitrary of all courts, by a method equally dangerous and arbitrary. All the steps towards the settlement of episcopacy had indeed been taken with consent of parliament: The articles of Perth were confirmed in 1621: In 1633, the king had obtained a general ratification of every ecclesiastical establishment: But these laws had less authority with the nation, as they were known to have passed contrary to the sentiments even of those who voted for them, and were in reality extorted by the authority and importunity of the sovereign. The means, however, which both James and Charles had employed, in order to influence the parliament, were entirely regular; and no reasonable pretence had been afforded for representing these laws as null or invalid.

BUT there prevailed among the greater part of

CHAP. the nation another principle, of the most im-
 LIII. portant and most dangerous nature, and which,
 1637. if admitted, destroyed entirely the validity of all
 such statutes. The ecclesiastical authority was
 supposed totally independent of the civil; and
 no act of parliament, nothing but the consent of
 the church itself, was represented as sufficient
 ground for the introduction of any change in
 religious worship or discipline. And though
 James had obtained the vote of assemblies for
 receiving episcopacy and his new rites; it must
 be confessed, that such irregularities had prevailed
 in constituting these ecclesiastical courts, and
 such violence in conducting them, that there
 were some grounds for denying the authority of
 all their acts. Charles, sensible that an extorted
 consent, attended with such invidious circum-
 stances, would rather be prejudicial to his mea-
 sures, had wholly laid aside the use of assemblies,
 and was resolved, in conjunction with the
 bishops, to govern the church by an authority,
 to which he thought himself fully entitled, and
 which he believed inherent in the crown.

THE king's great aim was to complete the
 work, so happily begun by his father; to establish
 discipline upon a regular system of canons, to
 introduce a liturgy into public worship, and to
 render the ecclesiastical government of all his
 kingdoms regular and uniform. Some views of
 policy might move him to this undertaking:
 But his chief motives were derived from princi-
 ples of zeal and conscience.

THE canons for establishing ecclesiastical jurisdiction were promulgated in 1635; and were received by the nation, though without much appearing opposition, yet with great inward apprehension and discontent. Men felt displeasure, at seeing the royal authority highly exalted by them, and represented as absolute and uncontrollable. They saw these speculative principles reduced to practice, and a whole body of ecclesiastical laws established without any previous consent either of church or state⁹. They dreaded, lest, by a parity of reason, like arbitrary authority, from like pretences and principles, would be assumed in civil matters: They remarked, that the delicate boundaries, which separate church and state, were already passed, and many civil ordinances established by the canons, under color of ecclesiastical institutions: And they were apt to deride the negligence, with which these important edicts had been compiled; when they found, that the new liturgy or service-book was every where, under severe penalties, enjoined by them, though it had not yet been composed or published¹⁰. It was, however, soon expected; and in the reception of it, as the people are always most affected by what is external and exposed to the senses, it was apprehended, that the chief difficulty would consist.

THE liturgy, which the king, from his own

⁹ Clarendon, vol. i. p. 106. ¹⁰ Idem, ibid. p. 105.

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Introduc-
tion of the
canons and
liturgy.

e H A P. authority, imposed on Scotland, was copied
 LIII. from that of England: But lest a servile imitation
 1637. might shock the pride of his ancient kingdom,
 a few alterations, in order to save appearances,
 were made in it; and in that shape it was trans-
 mitted to the bishops at Edinburgh¹¹. But the
 Scots had universally entertained a notion, that,
 though riches and worldly glory had been shared
 out to them with a sparing hand, they could
 boast of spiritual treasures more abundant and
 more genuine, than were enjoyed by any nation
 under heaven. Even their southern neighbours,
 they thought, though separated from Rome,
 still retained a great tincture of the primitive
 pollution; and their liturgy was represented as a
 species of mass, though with some less show and
 embroidery¹². Great prejudices, therefore, were
 entertained against it, even considered in itself;
 much more, when regarded as a preparative,
 which was soon to introduce into Scotland all
 the abominations of popery. And as the very
 few alterations, which distinguished the new
 liturgy from the English, seemed to approach
 nearer to the doctrine of the real presence; this
 circumstance was deemed an undoubted confirma-
 tion of every suspicion, with which the people
 were possessed¹³.

¹¹ King's Decl. p. 18. May, p. 32.

¹² King's Decl. p. 20.

¹³ Burnet's Mem. p. 31. Rushworth, vol. ii. p. 396.
 May, p. 31.

EASTER-DAY was, by proclamation, appointed for the first reading of the service in Edinburgh: But in order to judge more surely of men's dispositions, the council delayed the matter till the 23d of July; and they even gave notice, the Sunday before, of their intention to commence the use of the new liturgy. As no considerable symptoms of discontent appeared, they thought that they might safely proceed in their purpose¹⁴; and accordingly, in the cathedral-church of St. Giles, the dean of Edinburgh, arrayed in his surplice, began the service; the bishop himself and many of the privy-council being present. But no sooner had the dean opened the book, than a multitude of the meanest sort, most of them women, clapping their hands, cursing, and crying out, *A pope! a pope! antichrist! stone him!* raised such a tumult, that it was impossible to proceed with the service. The bishop, mounting the pulpit, in order to appease the populace, had a stool thrown at him: The council was insulted: And it was with difficulty, that the magistrates were able, partly by authority, partly by force, to expel the rabble, and to shut the doors against them. The tumult, however, still continued without: Stones were thrown at the doors and windows: And when the service was ended, the bishop, going home, was attacked, and narrowly escaped from the hands of the

C H A P.
LIII.
1637.

Tumult at
Edinburgh.

¹⁴ King's Decl. p. 22. Clarendon, vol. i. p. 108.
Rushworth, vol. ii. p. 387.

C H A P. enraged multitude. In the afternoon, the privy-
 LIII. seal, because he carried the bishop in his coach,
 1637. was so pelted with stones, and hooted at with execrations, and pressed upon by the eager populace, that, if his servants, with drawn swords, had not kept them off, the bishop's life had been exposed to the utmost danger¹⁵.

THOUGH it was violently suspected, that the low populace, who alone appeared, had been instigated by some of higher condition, yet no proof of it could be produced; and every one spake with disapprobation of the licentiousness of the giddy multitude¹⁶. It was not thought safe, however, to hazard a new insult, by any new attempt to read the liturgy; and the people seemed, for the time, to be appeased and satisfied. But it being known, that the king still persevered in his intentions of imposing that mode of worship, men fortified themselves still farther in their prejudices against it; and great multitudes resorted to Edinburgh, in order to oppose the introduction of so hated a novelty¹⁷. It was not long before they broke out in the most violent disorder. The bishop of Galloway was attacked in the streets, and chased into the chamber, where the privy-council was sitting. The council itself was besieged and violently attacked: The town-council met with the same fate: And

¹⁵ King's Decl. p. 23, 24, 25. Rushworth, vol. ii. p. 388.

¹⁶ King's Decl. p. 26. 30. Clarendon, vol. i. p. 109.

¹⁷ King's Decl. p. 32. Rushworth, vol. ii. p. 400.

nothing could have saved the lives of all of them, but their application to some popular lords, who protected them, and dispersed the multitude. In this sedition, the actors were of some better condition than in the former; though nobody of rank seemed, as yet, to countenance them¹⁸.

C H A P.
LIII.
1637.

ALL men, however, began to unite and to encourage each other, in opposition to the religious innovations introduced into the kingdom. Petitions to the council were signed and presented by persons of the highest quality: The women took part, and, as was usual, with violence: The clergy, every where, loudly disclaimed against popery and the liturgy, which they represented as the same: The pulpits resounded with vehement invectives against anti-christ: and the populace, who first opposed the service, was often compared to Balaam's ass, an animal, in itself stupid and senseless, but whose mouth had been opened by the Lord, to the admiration of the whole world¹⁹. In short, fanaticism mingling with faction, private interest with the spirit of liberty, symptoms appeared, on all hands, of the most dangerous insurrection and disorder.

THE primate, a man of wisdom and prudence, who was all along averse to the introduction of the liturgy, represented to the king the state of the nation: The earl of Traquaire, the treasurer,

¹⁸ King's Decl. p. 35, 36, &c. Rushworth, vol. ii. p. 404.

¹⁹ King's Decl. p. 31.

C H A P. LIII. set out for London, in order to lay the matter more fully before him: Every circumstance, whether the condition of England or of Scotland were considered, should have engaged him to desist from so hazardous an attempt: Yet was Charles inflexible. In his whole conduct of this affair, there appear no marks of the good sense, with which he was endowed: A lively instance of that species of character, so frequently to be met with; where there are found parts and judgment in every discourse and opinion; in many actions, indiscretion and imprudence. Men's views of things are the result of their understanding alone: Their conduct is regulated by their understanding, their temper, and their passions.

1638.
19th Feb.

To so violent a combination of a whole kingdom, Charles had nothing to oppose but a proclamation; in which he pardoned all past offences, and exhorted the people to be more obedient for the future, and to submit peaceably to the use of the liturgy. This proclamation was instantly encountered with a public protestation, presented by the earl of Hume and lord Lindesey: And this was the first time that men of quality had appeared in any violent act of opposition²⁰. But this proved a crisis. The insurrection, which had been advancing by a gradual and slow progress, now blazed up at once. No disorder, however, attended it. On the contrary, a new order immediately took place. Four *tables*, as

²⁰ King's Decl. p. 47, 48, &c. Guthry, p. 28. May, p. 37.

they were called, were formed in Edinburgh. One consisted of nobility, another of gentry, a third of ministers, a fourth of burgessees. The table of gentry was divided into many subordinate tables, according to their different counties. In the hands of the four tables, the whole authority of the kingdom was placed. Orders were issued by them, and every where obeyed, with the utmost regularity²¹. And among the first acts of their government was the production of the COVENANT.

C H A P.
LIII.
1638.

THIS famous covenant consisted first of a renunciation of popery, formerly signed by James in his youth, and composed of many invectives, fitted to inflame the minds of men against their fellow creatures, whom heaven has enjoined them to cherish and to love. There followed a bond of union, by which the subscribers obliged themselves to resist religious innovations, and to defend each other against all opposition whatsoever : And all this, for the greater glory of God, and the greater honor and advantage of their king and country²². The people, without distinction of rank or condition, of age or sex, flocked to the subscription of this covenant: Few, in their judgment, disapproved of it; and still fewer durst openly condemn it. The king's ministers and counsellors themselves were, most of them, seized by the general

The cove-
nant.

²¹ Clarendon, vol. i. p. 111. Rushworth, vol. ii. p. 734.

²² King's Decl. p. 57, 58. Rushworth, vol. ii. p. 734.
May, p. 38.

C H A P. contagion. And none but rebels to God, and
 LIII. traitors to their country, it was thought, would
 1638. withdraw themselves from so salutary and so
 pious a combination.

THE treacherous, the cruel, the unrelenting Philip, accompanied with all the terrors of a Spanish inquisition, was scarcely, during the preceding century, opposed in the Low Countries with more determined fury, than was now, by the Scots, the mild, the humane Charles, attended with his inoffensive liturgy.

June.

THE king began to apprehend the consequences. He sent the marquis of Hamilton, as commissioner, with authority to treat with the covenanters. He required the covenant to be renounced and recalled: And he thought, that on his part he had made very satisfactory concessions, when he offered to suspend the canons and the liturgy, till, in a fair and legal way, they could be received; and so to model the high commission, that it should no longer give offence to his subjects²³. Such general declarations could not well give content to any, much less to those who carried so much higher their pretensions. The covenanters found themselves seconded by the zeal of the whole nation. Above sixty thousand people were assembled in a tumultuous manner in Edinburgh and the neighbourhood. Charles possessed no regular forces in either of his kingdoms. And the discontents in England, though

²³ Rushworth, vol. ii. p. 754, &c.

secret, were believed so violent, that the king, it was thought, would find it very difficult to employ in such a cause the power of that kingdom. The more, therefore, the popular leaders in Scotland considered their situation, the less apprehension did they entertain of royal power, and the more rigorously did they insist on entire satisfaction. In answer to Hamilton's demand of renouncing the covenant, they plainly told him, that they would sooner renounce their baptism²⁴. And the clergy, invited the commissioner himself to subscribe it; by informing him: "With what peace and comfort it had
" filled the hearts of all God's people; what
" resolutions and beginnings of reformation of
" manners were sensibly perceived in all parts of
" the nation, above any measure they had
" ever before found or could have expected;
" how great glory the Lord had received thereby;
" and what confidence they had, that God
" would make Scotland a blessed kingdom²⁵."

C H A P.
LIH.
1638.

HAMILTON returned to London: Made another fruitless journey, with new concessions, to Edinburgh: Returned again to London; and was immediately sent back with still more satisfactory concessions. The king was now willing entirely to abolish the canons, the liturgy, and the high commission court. He was even resolved to limit extremely the power of the bishops, and

17th Sept.

²⁴ King's Decl. p. 87.

²⁵ Ibid. p. 88. Rushworth, vol. ii. p. 751.

C H A P. was content, if, on any terms, he could retain
 LIII. that order in the church of Scotland ²⁶. And to
 1638. ensue all these gracious offers, he gave Hamilton
 authority to summon first an assembly, then a
 parliament, where every national grievance might
 be redressed and remedied. These successive con-
 cessions of the king, which yet came still short
 of the rising demands of the malecontents, dis-
 covered his own weakness, encouraged their
 insolence, and gave no satisfaction. The offer,
 however, of an assembly and a parliament, in
 which they expected to be entirely masters, was
 willingly embraced by the covenanters.

CHARLES, perceiving what advantage his
 enemies had reaped from their covenant, resolved
 to have a covenant on his side, and he ordered
 one to be drawn up for that purpose. It consisted
 of the same violent renunciation of popery above-
 mentioned; which, though the king did not
 approve of it, he thought it safest to adopt, in
 order to remove all the suspicions entertained
 against him. As the covenanters, in their bond
 of mutual defence against all opposition, had
 been careful not to except the king; Charles had
 formed a bond, which was annexed to this
 renunciation, and which expressed the duty and
 loyalty of the subscribers to his majesty ²⁷. But
 the covenanters, perceiving, that this new
 covenant was only meant to weaken and divide

²⁶ King's Decl. p. 137. Rushworth, vol. ii. p. 762.

²⁷ King's Decl. p. 140, &c.

them, received it with the utmost scorn and detestation. And without delay they proceeded to model the future assembly, from which such great achievements were expected ²⁸.

C H A P.

LIII.

1638.

THE genius of that religion, which prevailed in Scotland, and which, every day, was secretly gaining ground in England, was far from inculcating deference and submission to the ecclesiastics, merely as such: Or rather, by nourishing in every individual, the highest raptures and ecstasies of devotion, it consecrated, in a manner, every individual, and in his own eyes, bestowed a character on him, much superior to what forms and ceremonious institutions could alone confer. The clergy of Scotland, though such tumult was excited about religious worship and discipline, were both poor, and in small numbers; nor are they, in general, to be considered, at least in the beginning, as the ringleaders of the sedition, which was raised on their account. On the contrary, the laity, apprehending, from several instances, which occurred, a spirit of moderation in that order, resolved to domineer entirely in the assembly, which was summoned, and to hurry on the ecclesiastics by the same furious zeal, with which they were themselves transported ²⁹.

A general
assembly.

It had been usual, before the establishment of prelacy, for each presbytery to send to the

²⁸ Rushworth, vol. ii. p. 772.

²⁹ King's Decl. p. 188, 189. Rushworth, vol. ii. p. 761.

C H A P. assembly, besides two or three ministers, one
 LIII. lay-commissioner³⁰; and, as all the boroughs
 1638. and universities sent likewise commissioners, the
 lay-members, in that ecclesiastical court, nearly
 equalled the ecclesiastics. Not only this institution,
 which James, apprehensive of zeal in the laity,
 had abolished, was now revived by the cove-
 nanters: They also introduced an innovation,
 which served still farther to reduce the clergy to
 subjection. By an edict of the tables, whose
 authority was supreme, an elder from each parish
 was ordered to attend the presbytery, and to
 give his vote in the choice both of the com-
 missioners and ministers, who should be deputed
 to the assembly. As it is not usual for the mi-
 nisters, who are put in the list of candidates, to
 claim a vote, all the elections, by that means,
 fell into the hands of the laity: The most furious
 of all ranks were chosen: And the more to
 overawe the clergy, a new device was fallen
 upon, of chusing, to every commissioner, four
 or five lay-assessors, who, though they could
 have no vote, might yet interpose with their
 advice and authority in the assembly³¹.

THE assembly met at Glasgow: And, besides

³⁰ A presbytery in Scotland is an inferior ecclesiastical court, the same that was afterwards called a Classis in England, and is composed of the clergy of the neighbouring parishes to the number commonly of between twelve and twenty.

³¹ King's Decl. p. 190, 191. 290. Guthry, p. 39, &c.

a great concourse of the people, all the nobility and gentry of any family or interest were present, either as members, assessors, or spectators; and it was apparent, that the resolutions, taken by the covenanters, could here meet with no manner of opposition. A firm determination had been entered into of utterly abolishing episcopacy; and as a preparative to it, there was laid before the presbytery of Edinburgh, and solemnly read in all the churches of the kingdom, an accusation against the bishops, as guilty, all of them, of heresy, simony, bribery, perjury, cheating, incest, adultery, fornication, common swearing, drunkenness, gaming, breach of the sabbath, and every other crime that had occurred to the accusers³². The bishops sent a protest, declining the authority of the assembly; the commissioner too protested against that court, as illegally constituted and elected; and, in his majesty's name, dissolved it. This measure was foreseen, and little regarded. The court still continued to sit, and to finish their business³³. All the acts of assembly, since the accession of James to the crown of England, were, upon pretty reasonable grounds, declared null and invalid. The acts of parliament, which affected ecclesiastical affairs, were supposed, on that very account, to have no manner of authority. And thus episcopacy, the high commission, the articles of Perth, the

C H A P.

LIII.

1638.

Episcopacy
abolished.

³² King's Decl. p. 218. Rushworth, vol. ii. p. 787.

³³ May, p. 44.

C H A P. canons, and the liturgy, were abolished and
 LIII. declared unlawful: And the whole fabric, which James and Charles, in a long course of years, had been rearing with so much care and policy, fell at once to the ground. The covenant likewise was ordered to be signed by every one, under pain of excommunication ³⁴.

1639. THE independence of the ecclesiastical upon the civil power was the old presbyterian principle, which had been zealously adopted at the reformation, and which, though James and Charles had obliged the church publicly to disclaim it, had secretly been adhered to by all ranks of people. It was commonly asked, whether Christ or the king were superior? And as the answer seemed obvious, it was inferred, that the assembly, being Christ's council, was superior, in all spiritual matters, to the parliament, which was only the king's. But as the covenanters were sensible, that this consequence, though it seemed to them irrefragable, would not be assented to by the king; it became necessary to maintain their religious tenets by military force, and not to trust entirely to supernatural assistance, of which, however, they held themselves well assured. They cast their eyes on all sides, abroad and at home, whence ever they could expect any aid or support.

AFTER France and Holland had entered into a league against Spain, and framed a treaty of

³⁴ King's Decl. p. 317.

partition, by which they were to conquer and to divide between them the Low Country provinces, England was invited to preserve a neutrality between the contending parties, while the French and Dutch should attack the maritime towns of Flanders. But the king replied to d'Estrades, the French ambassador, who opened the proposal, that he had a squadron ready, and would cross the seas, if necessary, with an army of 15,000 men, in order to prevent these projected conquests³⁵. This answer, which proves that Charles, though he expressed his mind with an imprudent candor, had, at last, acquired a just idea of national interest, irritated cardinal Richelieu; and in revenge, that politic and enterprising minister carefully fomented the first commotions in Scotland, and secretly supplied the covenanters with money and arms, in order to encourage them in their opposition against their sovereign.

BUT the chief resource of the Scottish malecontents, was in themselves, and in their own vigor and abilities. No regular established commonwealth could take juster measures, or execute them with greater promptitude, than did this tumultuous combination, inflamed with bigotry for religious trifles, and faction without a reasonable object. The whole kingdom was, in a manner, engaged; and the men of greatest abilities soon acquired the ascendant, which their family interest enabled them to maintain. The earl of

³⁵ Mém. d'Estrades, vol. i.

C H A P. Argyle, though he long seemed to temporize,
LIII. had, at last, embraced the covenant; and he
1639. became the chief leader of that party: A man
 equally supple and inflexible, cautious and deter-
 mined, and entirely qualified to make a figure
 during a factious and turbulent period. The earls
 of Rothes, Cassilis, Montrose, Lothian, the lords
 Lindesey, Loudon, Yester, Balmerino, distin-
 guished themselves in that party. Many Scotch
 officers had acquired reputation in the German
 wars, particularly under Gustavus; and these
 were invited over to assist their country in her
 present necessity. The command was intrusted to
 Lesley, a foldier of experience and abilities.
 Forces were regularly enlisted and disciplined.
 Arms were commissioned and imported from
 foreign countries. A few castles, which belonged
 to the king, being unprovided with victuals,
 ammunition, and garrisons, were soon seized.
 And the whole country, except a small part,
 where the marquis of Huntley still adhered to the
 king, being in the hands of the covenanters,
 was, in a very little time, put in a tolerable
 posture of defence³⁶.

War.

THE fortifications of Leith were begun and
 carried on with great rapidity. Besides the inferior
 fort, and those who labored for pay, incredible
 numbers of volunteers, even noblemen and gen-
 tlemen, put their hand to the work, and deemed
 the most abject employment to be dignified by

³⁶ May, p. 49.

the sanctity of the cause. Women too, of rank and condition, forgetting the delicacy of their sex, and the decorum of their character, were intermingled with the lowest rabble; and carried on their shoulders the rubbish, requisite for completing the fortifications ³⁷.

WE must not omit another auxiliary of the covenanters, and no inconsiderable one; a prophetess, who was much followed and admired by all ranks of people. Her name was Michelson, a woman full of whims, partly hysterical, partly religious; and inflamed with a zealous concern for the ecclesiastical discipline of the presbyterians. She spoke at certain times only, and had often interruptions of days and weeks: But when she began to renew her ecstasies, warning of the happy event was conveyed over the whole country, thousands crowded about her house, and every word, which she uttered, was received with veneration, as the most sacred oracles. The covenant was her perpetual theme. The true, genuine covenant, she said, was ratified in heaven: The king's covenant was an invention of Satan: When she spoke of Christ, she usually gave him the name of the covenanting Jesus. Rollo, a popular preacher, and zealous covenanter, was her great favorite; and paid her, on his part, no less veneration. Being desired by the spectators to pray with her, and speak to her; he answered, "That he durst not, and that

³⁷ Guthry's Memoirs, p. 46.

C H A P.

LIII.

1639.

“ it would be ill manners in him to speak, while
 “ his master, Christ, was speaking in her ³⁸. ”

CHARLES had agreed to reduce episcopal authority so much, that it would no longer have been of any service to support the crown; and this sacrifice of his own interests he was willing to make, in order to attain public peace and tranquillity. But he could not consent entirely to abolish an order, which he thought as essential to the being of a christian church, as his Scottish subjects deemed it incompatible with that sacred institution. This narrowness of mind, if we would be impartial, we must either blame or excuse equally on both sides; and thereby anticipate, by a little reflection, that judgment, which time, by introducing new subjects of controversy, will undoubtedly render quite familiar to posterity.

So great was Charles's aversion to violent and sanguinary measures, and so strong his affection to his native kingdom, that, it is probable, the contest in his breast would be nearly equal between these laudable passions, and his attachment to the hierarchy. The latter affection, however, prevailed for the time, and made him hasten those military preparations, which he had projected for subduing the refractory spirit of the Scottish nation. By regular œconomy, he had not only paid all the debts contracted during the Spanish

³⁸ King's Declaration at large, p. 227. Burnet's Memoirs of Hamilton,

and French wars; but had amassed a sum of two hundred thousand pounds, which he reserved for any sudden exigency. The queen had great interest with the catholics, both from the sympathy of religion, and from the favors and indulgences, which she had been able to procure to them. She now employed her credit, and persuaded them, that it was reasonable to give large contributions, as a mark of their duty to the king, during this urgent necessity³⁹. A considerable supply was obtained by this means; to the great scandal of the puritans, who were offended at seeing the king on such good terms with the papists, and repined, that others should give what they themselves were disposed to refuse him.

C H A P.
LIII.
1639.

CHARLES'S fleet was formidable and well supplied. Having put 5000 land forces on board, he intrusted it to the marquis of Hamilton, who had orders to sail to the frith of Forth, and to cause a diversion in the forces of the malecontents. An army was levied of near 20,000 foot, and above 3000 horse, and was put under the command of the earl of Arundel, a nobleman of great family, but celebrated neither for military nor political abilities. The earl of Essex, a man of strict honor and extremely popular, especially among the soldiery, was appointed lieutenant-general: The earl of Holland was general of the horse. The king himself joined the army, and

29th May.

³⁹ Rushworth, vol. iii. p. 1329. Franklyn, p. 767.
VOL. IX. G

C H A P. he summoned all the peers of England to attend
 LIII. him. The whole had the appearance of a splen-
 1639. did court, rather than of a military armament;
 and in this situation, carrying more show than
 real force with it, the camp arrived at Berwic ⁴⁰.

THE Scottish army was as numerous as that
 of the king, but inferior in cavalry. The officers
 had more reputation and experience; and the
 soldiers, though undisciplined and ill armed, were
 animated, as well by the national aversion to
 England and the dread of becoming a province
 to their old enemy, as by an unfurmountable
 fervor of religion. The pulpits had extremely
 assisted the officers in levying recruits, and had
 thundered out anathemas against all those *who*
went not out to assist the Lord against the mighty ⁴¹.
 Yet so prudent were the leaders of the malecon-
 tents, that they immediately sent submissive mes-
 sages to the king, and craved to be admitted to
 a treaty.

CHARLES knew that the force of the covenant-
 ers was considerable, their spirits high, their
 zeal furious; and that, as they were not yet
 daunted by any ill success, no reasonable terms
 could be expected from them. With regard
 therefore to a treaty, great difficulties occurred
 on both sides. Should he submit to the preten-
 sions of the malecontents; besides that the prelacy
 must be sacrificed to their religious prejudices;

⁴⁰ Clarendon, vol. i. p. 115, 116, 117.

⁴¹ Burnet's Memoirs of Hamilton.

such a check would be given to royal authority, which had, very lately, and with much difficulty, been thoroughly established in Scotland, that he must expect, ever after, to retain, in that kingdom, no more than the appearance of majesty. The great men, having proved, by so sensible a trial, the impotence of law and prerogative, would return to their former licentiousness: The preachers would retain their innate arrogance: And the people, unprotected by justice, would recognize no other authority, than that which they found to domineer over them. England also, it was much to be feared, would imitate so bad an example; and having already a strong propensity towards republican and puritanical factions, would expect, by the same seditious practices, to attain the same indulgence. To advance so far, without bringing the rebels to a total submission, at least to reasonable concessions, was to promise them, in all future time, an impunity for rebellion.

C H A P.
LIII.
1639.

ON the other hand, Charles considered that Scotland was never before, under any of his ancestors, so united, and so animated in its own defence; yet had often been able to foil or elude the force of England, combined heartily in one cause, and inured by long practice to the use of arms. How much greater difficulty should he find, at present, to subdue, by violence, a people, inflamed with religious prejudices; while he could only oppose to them a nation, enervated by long peace, and lukewarm in his service; or

C H A P. what was more to be dreaded, many of them
 LIII. engaged in the same party with the rebels ⁴².
 1639. Should the war be only protracted beyond a
 campaign; (and who could expect to finish it
 in that period?) his treasures would fail him;
 and, for supply, he must have recourse to an
 English parliament, which, by fatal experience,
 he had ever found more ready to encroach on
 the prerogatives, than to supply the necessities,
 of the crown. And what if he receive a defeat
 from the rebel army? This misfortune was far
 from being impossible. They were engaged in a
 national cause, and strongly actuated by mistaken
 principles. His army was retained entirely by
 pay, and looked on the quarrel with the same
 indifference, which naturally belongs to merce-
 nary troops, without possessing the discipline,
 by which such troops are commonly distinguished.
 And the consequences of a defeat, while Scotland
 was enraged and England discontented, were so
 dreadful, that no motive should persuade him to
 hazard it.

It is evident, that Charles had fallen into such
 a situation, that, whichever side he embraced,
 his errors must be dangerous: No wonder, there-
 fore, he was in great perplexity. But he did
 worse, than embrace the worst side: For, pro-
 perly speaking, he embraced no side at all. He
 concluded a sudden pacification, in which it
 was stipulated, that he should withdraw his fleet

⁴² Rushworth, vol. iii. p. 936.

and army; that, within eight and forty hours, the Scots should dismiss their forces; that the king's forts should be restored to him, his authority be acknowledged; and a general assembly and a parliament be immediately summoned, in order to compose all differences ⁴³. What were the *reasons*, which engaged the king to admit such strange articles of peace, it is in vain to inquire: For there scarcely could be any. The *causes* of that event may admit of a more easy explication.

C H A P.

LIII.

1639.

THE malecontents had been very industrious, in representing to the English the grievances, under which Scotland labored, and the ill counsels, which had been suggested to their sovereign. Their liberties, they said, were invaded: The prerogatives of the crown extended beyond all former precedent: Illegal courts erected: The hierarchy exalted at the expense of national privileges: And so many new superstitions introduced by the haughty tyrannical prelates, as begat a just suspicion that a project was seriously formed for the restoration of popery. The king's conduct, surely, in Scotland, had been, in every thing, except in establishing the ecclesiastical canons, more legal than in England; yet was there such a general resemblance, in the complaints of both kingdoms, that the English readily assented to all the representations of the Scottish malecontents, and believed that nation to have been driven, by oppression, into the violent counsels, which

⁴³ Rushworth, vol. iii. p. 945.

C H A P. they had embraced. So far, therefore, from
 LIII. being willing to second the king in subduing
 1639. the free spirit of the Scots; they rather pitied
 that unhappy people, who had been pushed to
 those extremities: And they thought, that the
 example of such neighbours, as well as their
 assistance, might, some time, be advantageous
 to England, and encourage her to recover, by a
 vigorous effort, her violated laws and liberties.
 The gentry and nobility, who, without attach-
 ment to the court, without command in the
 army, attended in great numbers the English
 camp, greedily seized, and propagated, and gave
 authority to these sentiments: A retreat, very
 little honorable, which the earl of Holland, with
 a considerable detachment of the English forces,
 had made before a detachment of the Scottish,
 caused all these humors to blaze up at once: And
 the king, whose character was not sufficiently
 vigorous or decisive, and who was apt, from
 facility, to embrace hasty counsels, suddenly
 assented to a measure, which was recommended
 by all about him, and which favored his natural
 propension towards the misguided subjects of his
 native kingdom **.

CHARLES, having so far advanced in pacific
 measures, ought, with a steady resolution, to
 have prosecuted them, and have submitted to
 every tolerable condition, demanded by the
 assembly and parliament; nor should he have

** Clarendon, vol. i. p. 122, 123. May, p. 46.

recommenced hostilities, but on account of such enormous and unexpected pretensions, as would have justified his cause, if possible, to the whole English nation. So far, indeed, he adopted this plan, that he agreed, not only to confirm his former concessions, of abrogating the canons, the liturgy, the high commission, and the articles of Perth; but also to abolish the order itself of bishops, for which he had so zealously contended ⁴⁵. But this concession was gained by the utmost violence, which he could impose on his disposition and prejudices: He even secretly retained an intention of seizing favorable opportunities, in order to recover the ground, which he had lost ⁴⁶. And one step farther he could not prevail with himself to advance. The assembly, when it met, paid no deference to the king's prepossessions, but gave full indulgence to their own. They voted episcopacy to be unlawful in the church of Scotland: He was willing to allow it contrary to the constitutions of that church. They stigmatized the liturgy and canons, as popish: He agreed simply to abolish them. They denominated the high commission, tyranny: He was content to set it aside ⁴⁷. The parliament, which sat after the assembly, advanced pretensions, which tended to diminish the civil power of the monarch; and what probably affected

LIII:
1632.

Aug. 17th.

⁴⁵ Rushworth, vol. iii. p. 946.

⁴⁶ Burnet's Memoirs, p. 154. Rushworth, vol. iii. p. 951.

⁴⁷ Idem, ibid. p. 958, &c.

C H A P. Charles still more, they were proceeding to ratify
 LIII. the acts of assembly, when ⁴⁸, by the king's in-
 1639. structions, Traquaire, the commissioner, pro-
 War re- rogued them. And on account of these claims,
 newed. which might have been foreseen, was the war
 renewed; with great advantages on the side of
 the covenanters, and disadvantages on that of the
 king.

No sooner had Charles concluded the pacifica-
 tion without conditions, than the necessity of his
 affairs, and his want of money, obliged him to
 disband his army; and as the soldiers had been
 held together solely by mercenary views, it was
 not possible, without great trouble, and expence,
 and loss of time, again to assemble them. The
 more prudent covenanters had concluded, that
 their pretensions being so contrary to the interests,
 and still more to the inclinations of the king, it
 was likely, that they should again be obliged
 to support their cause by arms; and they were
 therefore careful, in dismissing their troops, to
 preserve nothing but the appearance of a pacific
 disposition. The officers had orders to be ready
 on the first summons: The soldiers were warned
 not to think the nation secure from an English
 invasion: And the religious zeal, which animated
 all ranks of men, made them immediately fly to
 their standards as soon as the trumpet was found-
 ed by their spiritual and temporal leaders. The
 credit, which, in their last expedition, they had

⁴⁸ Rushworth, vol. iii. p. 955.

acquired, by obliging their sovereign to depart from all his pretensions, gave courage to every one, in undertaking this new enterprize⁴⁹.

THE king, with great difficulty, found means to draw together an army: But soon discovered, that, all savings being gone, and great debts contracted, his revenue would be insufficient to support them. An English parliament, therefore, formerly so unkind and intractable, must now, after above eleven years' intermission, after the king had tried many irregular methods of taxation, after multiplied disgusts given to the puritanical party, be summoned to assemble, amidst the most pressing necessities of the crown.

As the king resolved to try, whether this house of commons would be more compliant than their predecessors, and grant him supply on any reasonable terms; the time, appointed for the meeting of parliament, was late, and very near the time allotted for opening the campaign against the Scots. After the past experience of their ill-humor, and of their encroaching disposition, he thought that he could not, in prudence, trust them with a long session, till he had seen some better proofs of their good intentions: The urgency of the occasion, and the little time allowed for debate, were reasons which he reserved against the malecontents in the house: And an incident had happened, which, he believed,

C H A P.
LIII.

1640.
April 13th.
4th English
parliament.

⁴⁹ Clarendon, vol. i. p. 125. Rushworth, vol. iii. p. 1023.

C H A P. had now furnished him with still more cogent arguments.

LIII.

1640.

THE earl of Traquaire had intercepted a letter, written to the king of France by the Scottish malecontents; and had conveyed this letter to the king. Charles, partly repenting of the large concessions made to the Scots, partly disgusted at their fresh insolence and pretensions, seized this opportunity of breaking with them. He had thrown into the Tower lord Loudon, commissioner from the covenanters; one of the persons who had signed the treasonable letter⁵⁰. And he now laid the matter before the parliament, whom he hoped to inflame by the resentment, and alarm by the danger, of this application to a foreign power. By the mouth of the lord keeper, Finch, he discovered his wants, and informed them, that he had been able to assemble his army, and to subsist them, not by any revenue which he possessed, but by means of a large debt of above 300,000 pounds, which he had contracted, and for which he had given security upon the crown-lands. He represented, that it was necessary to grant supplies for the immediate and urgent demands of his military armaments: That the season was far advanced, the time precious, and none of it must be lost in deliberation: That though his coffers were empty, they had not been exhausted by unneces-

⁵⁰ Clarendon, vol. i. p. 129. Rushworth, vol. iii. p. 956. May, p. 56.

fary pomp, or sumptuous buildings, or any other kind of magnificence: That whatever supplies had been levied on his subjects, had been employed for their advantage and preservation, and like vapors rising out of the earth, and gathered into a cloud, had fallen in sweet and refreshing showers on the same fields, from which they had, at first, been exhaled: That though he desired such immediate assistance as might prevent, for the time, a total disorder in the government, he was far from any intention of precluding them from their right to inquire into the state of the kingdom, and to offer him petitions for the redress of their grievances: That as much as was possible of this season should afterwards be allowed them for that purpose: That as he expected only such supply at present as the current service necessarily required, it would be requisite to assemble them again next winter, when they should have full leisure to conclude whatever business had, this session, been left imperfect and unfinished: That the parliament of Ireland had twice put such trust in his good intentions as to grant him, in the beginning of the session, a large supply, and had ever experienced good effects, from the confidence reposed in him: And that, in every circumstance, his people should find his conduct suitable to a just, pious, and gracious king, and such as was calculated to promote an entire harmony between prince and parliament ⁵¹.

C H A P.

LIII.

1640.

⁵¹ Rushworth, vol. iii. p. 1114.

C H A P. LIII. 1640. HOWEVER plausible these topics, they made small impression on the house of commons. By some illegal, and several suspicious measures of the crown, and by the courageous opposition, which particular persons, amidst dangers and hardships, had made to them; the minds of men, throughout the nation, had taken such a turn as to ascribe every honor to the refractory opposers of the king and the ministers. These were the only patriots, the only lovers of their country, the only heroes, and, perhaps too, the only true Christians. A reasonable compliance with the court was slavish dependence; a regard to the king, servile flattery; a confidence in his promises, shameful prostitution. This general cast of thought, which has, more or less, prevailed in England, during near a century and a half, and which has been the cause of much good and much ill in public affairs, never predominated more than during the reign of Charles. The present house of commons, being entirely composed of country-gentlemen, who came into parliament with all their native prejudices about them, and whom the crown had no means of influencing, could not fail to contain a majority of these stubborn patriots.

AFFAIRS likewise, by means of the Scottish insurrection, and the general discontents in England, were drawing so near to a crisis, that the leaders of the house, sagacious and penetrating, began to foresee the consequences, and to hope, that the time, so long wished for, was now

C H A R.

LIII.

1640.

come, when royal authority must fall into a total subordination under popular assemblies, and when public liberty must acquire a full ascendant. By reducing the crown to necessities, they had hitherto found, that the king had been pushed into violent counsels, which had served extremely the purposes of his adversaries: And by multiplying these necessities, it was foreseen, that his prerogative, undermined on all sides, must, at last, be overthrown, and be no longer dangerous to the privileges of the people. Whatever, therefore, tended to compose the differences between king and parliament, and to preserve the government uniformly in its present channel, was zealously opposed by these popular leaders; and their past conduct and sufferings gave them credit sufficient to effect all their purposes.

THE house of commons, moved by these and many other obvious reasons, instead of taking notice of the king's complaints against his Scottish subjects, or his applications for supply, entered immediately upon grievances; and a speech, which Pym made them on that subject, was much more hearkened to, than that which the lord keeper had delivered to them in the name of their sovereign. The subject of Pym's harangue has been sufficiently explained above; where we gave an account of all the grievances, imaginary in the church, more real in the state, of which the nation, at that time, so loudly complained⁵².

⁵² Clarendon, vol. i. p. 133. Rushworth, vol. iii. p. 1131. May, p. 60.

C H A P.
LIII.
1640.

The house began with examining the behaviour of the speaker the last day of the former parliament; when he refused, on account of the king's command, to put the question: And they declared it a breach of privilege. They proceeded next to inquire into the imprisonment and prosecution of Sir John Elliot, Hollis, and Valentine ⁵³: The affair of ship-money was canvassed: And plentiful subject of inquiry was suggested on all hands. Grievances were regularly classed under three heads; those with regard to privileges of parliament, to the property of the subject, and to religion ⁵⁴. The king, seeing a large and inexhaustible field opened, pressed them again for supply; and finding his message ineffectual, he came to the house of peers, and desired their good offices with the commons. The peers were sensible of the king's urgent necessities; and thought, that supply, on this occasion, ought, both in reason and in decency, to go before grievances. They ventured to represent their sense of the matter, to the commons; but their intercession did harm. The commons had always claimed, as their peculiar province, the granting of supplies; and, though the peers had here gone no farther than offering advice, the lower house immediately thought proper to vote so unprecedented an interposition to be a breach of privilege ⁵⁵. Charles, in order to bring the matter of supply

⁵³ Rushworth, vol. iii. p. 1136.

⁵⁴ Idem, *ibid.* p. 1147. ⁵⁵ Clarendon, vol. i. p. 134.

to some issue, solicited the house by new messages: C H A P.
 And finding, that ship-money gave great alarm LIII.
 and disgust; besides informing them, that he 1640.
 never intended to make a constant revenue of it,
 that all the money levied had been regularly,
 with other great sums, expended on equipping
 the navy; he now went so far as to offer them
 a total abolition of that obnoxious claim, by
 any law, which the commons should think pro-
 per to present to him. In return, he only asked,
 for his necessities, a supply of twelve subsidies,
 about six hundred thousand pounds, and that
 payable in three years; but, at the same time,
 he let them know, that, considering the situation
 of his affairs, a delay would be equivalent to a
 denial⁵⁶. The king, though the majority was
 against him, never had more friends in any house
 of commons; and the debate was carried on
 for two days, with great zeal and warmth on
 both sides.

It was urged by the partisans of the court,
 that the happiest occasion, which the fondest
 wishes could suggest, was now presented, for
 removing all disgusts and jealousies between king
 and people, and for reconciling their sovereign,
 for ever, to the use of parliaments. That if they,
 on their part, laid aside all enormous claims and
 pretensions, and provided, in a reasonable man-
 ner, for the public necessities; they needed enter-
 tain no suspicion of any insatiable ambition or

⁵⁶ Clarendon, vol. i. p. 135. Rushworth, vol. iii. p. 1154.

C H A P. illegal usurpation in the crown. That though due
 LIII. regard had not always been paid, during this
 1640. reign, to the rights of the people, yet no invasion of them had been altogether deliberate and voluntary; much less, the result of wanton tyranny and injustice; and still less, of a formed design to subvert the constitution. That to repose a reasonable confidence in the king, and generously to supply his present wants, which proceeded neither from prodigality nor misconduct, would be the true means of gaining on his generous nature, and extorting, by a gentle violence, such concessions as were requisite for the establishment of public liberty. That he had promised, not only on the word of a prince, but also on that of a gentleman (the expression which he had been pleased to use) that, after the supply was granted, the parliament should still have liberty to continue their deliberations: Could it be suspected, that any man, any prince, much less such a one, whose word was, as yet, sacred and inviolate, would, for so small a motive, forfeit his honor, and, with it, all future trust and confidence, by breaking a promise, so public and so solemn? That, even if the parliament should be deceived in reposing this confidence in him, they neither lost any thing, nor incurred any danger; since it was evidently necessary, for the security of public peace, to supply him with money, in order to suppress the Scottish rebellion. That he had so far suited his first demands to their prejudices, that he only asked a supply for a few months,
 and

and was willing, after so short a trust from them, to fall again into dependence, and to trust them for his farther support and subsistence. That if he now seemed to desire something farther, he also made them, in return, a considerable offer, and was willing, for the future, to depend on them for a revenue, which was quite necessary for public honor and security. That the nature of the English constitution supposed a mutual confidence between king and parliament: And if they should refuse it on their part, especially with circumstances of such outrage and indignity; what could be expected but a total dissolution of government, and violent factions, followed by the most dangerous convulsions and intestine disorders?

IN opposition to these arguments, it was urged by the malecontent party, that the court had discovered, on their part, but few symptoms of that mutual confidence to which they now so kindly invited the commons. That eleven years intermission of parliaments, the longest that was to be found in the English annals, was a sufficient indication of the jealousy entertained against the people; or rather of designs formed for the suppression of all their liberties and privileges. That the ministers might well plead necessity, nor could any thing, indeed, be a stronger proof of some invincible necessity, than their embracing a measure, for which they had conceived so violent an aversion, as the assembling of an English parliament. That this necessity, however, was

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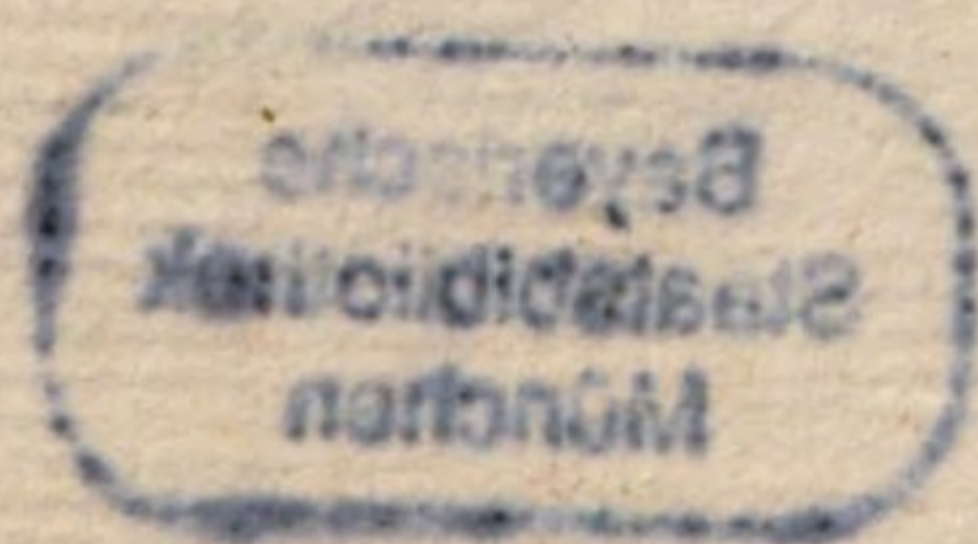
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C H A P.

LIII.

1640.

C H A P. purely ministerial, not national; And if the same
 LIII. grievances, ecclesiastical and civil, under which
 1640. this nation itself labored, had pushed the Scots
 to extremities; was it requisite, that the English
 should forge their own chains, by imposing chains
 on their unhappy neighbours? That the ancient
 practice of parliament was to give grievances
 the precedence of supply; and this order, so
 carefully observed by their ancestors, was found-
 ed on a jealousy inherent in the constitution,
 and was never interpreted as any peculiar dif-
 fidence of the present sovereign. That a practice,
 which had been upheld, during times the most
 favorable to liberty, could not, in common
 prudence, be departed from, where such un-
 deniable reasons for suspicion had been afforded.
 That it was ridiculous to plead the advanced
 season, and the urgent occasion for supply; when
 it plainly appeared, that, in order to afford a
 pretence for this topic, and to seduce the com-
 mons, great political contrivance had been em-
 ployed. That the writs for elections were issued
 early in the winter; and if the meeting of parlia-
 ment had not purposely been delayed, till so
 near the commencement of military operations,
 there had been leisure sufficient to have redressed
 all national grievances, and to have proceeded
 afterwards to an examination of the king's occa-
 sion for supply. That the intention of so gross an
 artifice was to engage the commons, under pre-
 tence of necessity, to violate the regular order of
 parliament; and a precedent of that kind being



once established, no inquiry into public measures would afterwards be permitted. That scarcely any argument, more unfavorable, could be pleaded for supply, than an offer to abolish ship-money; a taxation, the most illegal and the most dangerous, that had ever, in any reign, been imposed upon the nation. And that, by bargaining for the remission of that duty, the commons would, in a manner, ratify the authority, by which it had been levied; at least, give encouragement for advancing new pretensions of a like nature, in hopes of resigning them on like advantageous conditions.

THESE reasons, joined to so many occasions of ill humor, seemed to sway with the greater number: But to make the matter worse, Sir Harry Vane, the secretary, told the commons, without any authority from the king, that nothing less than twelve subsidies would be accepted as a compensation for the abolition of ship-money. This assertion, proceeding from the indiscretion, if we are not rather to call it the treachery, of Vane, displeased the house, by showing a stiffness and rigidity in the king, which in a claim so ill grounded, was deemed inexcusable⁵⁷. We are informed likewise, that some men, who were thought to understand the state of the nation, affirmed in the house, that the amount of twelve subsidies was a greater sum than could be found in all England. Such were the happy ignorance

⁵⁷ Clarendon, vol. i. p. 138.

C H A P. and inexperience of those times, with regard to
LIII. taxes⁵⁸.

1640.

THE king was in great doubt and perplexity. He saw, that his friends in the house were outnumbered by his enemies, and that the same counsels were still prevalent, which had ever bred such opposition and disturbance. Instead of hoping, that any supply would be granted him, to carry on war against the Scots, whom the majority of the house regarded as their best friends and firmest allies; he expected every day, that they would present him an address for making peace with those rebels. And if the house met again, a vote, he was informed, would certainly pass, to blast his revenue of ship-money; and thereby renew all the opposition, which, with so much difficulty, he had surmounted, in levying that taxation. Where great evils lie on all sides, it is difficult to follow the best counsel; nor is it any wonder, that the king, whose capacity was not equal to situations of such extreme delicacy, should hastily have formed and executed the resolution of dissolving this parliament: A measure, however, of which he soon after repented, and which the subsequent events, more than any convincing reason, inclined every one to condemn. The last parliament, which ended with such rigor and violence, had yet, at first, covered their intentions with greater ap-

Dissolution.

⁵⁸ Clarendon, vol. i. p. 136.

pearance of moderation than this parliament had hitherto assumed.

C H A P.

LIII.

1640.

AN abrupt and violent dissolution naturally excites discontents among the people, who usually put entire confidence in their representatives, and expect from them the redress of all grievances. As if there were not already sufficient grounds of complaint, the king persevered still in those counsels, which, from experience, he might have been sensible, were so dangerous and unpopular. Bellasis and Sir John Hotham were summoned before the council; and refusing to give any account of their conduct in parliament were committed to prison. All the petitions and complaints, which had been sent to the committee of religion, were demanded from Crew, chairman of that committee, and on his refusal to deliver them, he was sent to the Tower. The studies and even the pockets of the earl of Warwick and lord Broke, before the expiration of privilege, were searched, in expectation of finding treasonable papers. These acts of authority were interpreted, with some appearance of reason, to be invasions on the right of national assemblies⁵⁹. But the king, after the first provocation which he met with, never sufficiently respected the privileges of parliament; and by his example, he farther confirmed their resolution, when they should acquire power, to pay like disregard to the prerogatives of the crown.

⁵⁹ Rushworth, vol. iii. p. 1167. May, p. 61.

C H A P.
LIII.
1640.

THOUGH the parliament was dissolved, the convocation was still allowed to sit; a practice, of which, since the reformation, there were but few instances⁶⁰, and which was for that reason supposed by many to be irregular. Besides granting to the king a supply from the spirituality, and framing many canons, the convocation, jealous of like innovations, with those which had taken place in Scotland, imposed an oath on the clergy, and the graduates in the universities, by which every one swore to maintain the established government of the church by archbishops, bishops, deans, chapters, &c⁶¹. These steps, in the present discontented humor of the nation, were commonly deemed illegal; because not ratified by consent of parliament, in whom all authority was now supposed to be centered. And nothing, besides, could afford more subject of ridicule, than an oath, which contained an *et cetera* in the midst of it.

Discontents
in England.

THE people, who generally abhorred the convocation as much as they revered the parliament, could scarcely be restrained from insulting and abusing this assembly; and the king was obliged to give them guards, in order to protect them⁶². An attack too was made during the

⁶⁰ There was one in 1586. See History of Archbishop Laud, p. 80. The authority of the convocation was indeed, in most respects, independent of the parliament, and there was no reason, which required the one to be dissolved upon the dissolution of the other.

⁶¹ Whitlocke, p. 33.

⁶² Idem, Ibid.

night upon Laud, in his palace of Lambeth, by above 500 persons; and he found it necessary to fortify himself for his defence⁶³. A multitude, consisting of two thousand sectaries, entered St. Paul's, where the high commission then sat; tore down the benches; and cried out, *No bishop, no high commission*⁶⁴. All these instances of discontent were presages of some great revolution; had the court possessed sufficient skill to discern the danger, or sufficient power to provide against it.

IN this disposition of men's minds, it was in vain that the king issued a declaration, in order to convince his people of the necessity, which he lay under, of dissolving the last parliament⁶⁵. The chief topic, on which he insisted, was, that the commons imitated the bad example of all their predecessors of late years, in making continual encroachments on his authority, in censuring his whole administration and conduct, in discussing every circumstance of public government, and in their indirect bargaining and contracting with their king for supply; as if nothing ought to be given him but what he should purchase, either by quitting somewhat of his royal prerogative, or by diminishing and lessening his standing revenue. These practices, he said, were contrary to the maxims of their ancestors; and these practices were totally incompatible with monarchy⁶⁶.

⁶³ Dugdale, p. 62. Clarendon, vol. i. p. 143.

⁶⁴ Dugdale, p. 65. ⁶⁵ Rushworth, vol. iii. p. 1166.

⁶⁶ See note [B] at the end of the volume.

C H A P.
LIII.
1640.

THE king, disappointed of parliamentary subsidies, was obliged to have recourse to other expedients, in order to supply his urgent necessities. The ecclesiastical subsidies served him in some stead; and it seemed but just, that the clergy should contribute to a war, which was, in a great measure, of their own raising⁶⁷. He borrowed money from his ministers and courtiers; and so much was he beloved among them, that above 300,000 pounds were subscribed in a few days; Though nothing surely could be more disagreeable to a prince, full of dignity, than to be a burthen on his friends, instead of being a support to them. Some attempts were made towards forcing a loan from the citizens; but still repelled by the spirit of liberty, which was now become unconquerable⁶⁸. A loan of 40,000 pounds was extorted from the Spanish merchants, who had bullion in the Tower, exposed to the attempts of the king. Coat and conduct-money for the soldiery was levied on the counties; an ancient practice⁶⁹, but supposed to be abolished by the petition of right. All the pepper was bought from the East-India company upon trust, and sold, at a great discount, for ready money⁷⁰. A scheme was proposed for coining two or three hundred thousand pounds of base money⁷¹. Such were the extremities to which Charles was

⁶⁷ May, p. 48.

⁶⁸ Rushworth, vol. iii. p. 1181.

⁶⁹ Idem, vol. i. p. 168. ⁷⁰ May, p. 63.

⁷¹ Rushworth, vol. iii. p. 1216. May, p. 63.

reduced. The fresh difficulties, which, amidst the present distresses, were, every day, raised, with regard to the payment of ship-money, obliged him to exert continual acts of authority, augmented the discontents of the people, and increased his indigence and necessities ⁷².

C H A P.

LIII.

1640.

THE present expedients, however, enabled the king, though with great difficulty, to march his army, consisting of 19,000 foot and 2000 horse ⁷³. The earl of Northumberland was appointed general: The earl of Strafford, who was called over from Ireland, lieutenant-general: Lord Conway, general of the horse. A small fleet was thought sufficient to serve the purposes of this expedition.

So great are the effects of zeal and unanimity, that the Scottish army, though somewhat superior, were sooner ready than the king's; and they marched to the borders of England. To engage them to proceed, besides their general knowledge of the secret discontents of that kingdom, lord Saville had forged a letter, in the name of six noblemen the most considerable of England, by which the Scots were invited to assist their neighbours, in procuring a redress of grievances ⁷⁴. Notwithstanding these warlike preparations and hostile attempts, the covenanters still preserved the most pathetic and most sub-

⁷² Rush. vol. iii. p. 1173. 1182. 1184. 1199, 1200. 1203, 1204.

⁷³ Rushworth, vol. iii. p. 1279.

⁷⁴ Nelson, vol. ii. p. 427.

C H A P.

LIII.

1640.

20th Aug.

28th Aug.

Rout at

Newburn.

missive language; and entered England, they said, with no other view, than to obtain access to the king's presence, and lay their humble petition at his royal feet. At Newburn upon Tyne, they were opposed by a detachment of 4,500 men under Conway, who seemed resolute to dispute with them the passage of the river. The Scots first entreated them, with great civility, not to stop them in their march to their gracious sovereign; and then attacked them with great bravery, killed several, and chased the rest from their ground. Such a panic seized the whole English army, that the forces at Newcastle fled immediately to Durham; and not yet thinking themselves safe, they deserted that town, and retreated into Yorkshire⁷⁵.

THE Scots took possession of Newcastle; and though sufficiently elated with their victory, they preserved exact discipline, and persevered in their resolution of paying for every thing, in order still to maintain the appearance of an amicable correspondence with England. They also dispatched messengers to the king, who was arrived at York; and they took care, after the advantage, which they had obtained, to redouble their expressions of loyalty, duty, and submission to his person, and they even made apologies, full of sorrow and contrition, for their late victory⁷⁶.

CHARLES was in a very distressed condition.

⁷⁵ Clarendon, vol. i. p. 143.

⁷⁶ Rushworth, vol. iii. p. 1255.

The nation was universally and highly discontented. The army was discouraged, and began likewise to be discontented, both from the contagion of general disgust, and as an excuse for their misbehaviour, which they were desirous of representing rather as want of will than of courage to fight. The treasury too was quite exhausted, and every expedient for supply had been tried to the uttermost. No event had happened, but what might have been foreseen as necessary, at least, as very probable; yet such was the king's situation, that no provision could be made, nor was even any resolution taken, against such an exigency.

C H A P.
LIII.
1640.

IN order to prevent the advance of the Scots upon him, the king agreed to a treaty, and named sixteen English noblemen, who met with eleven Scottish commissioners at Rippon. The earls of Hertford, Bedford, Salisbury, Warwick, Essex, Holland, Bristol, and Berkshire, the lords Kimbolton, Wharton, Dunsmore, Paget, Broke, Saville, Paulet, and Howard of Escric, were chosen by the king; all of them popular men, and consequently supposed nowise averse to the Scottish invasion, or unacceptable to that nation⁷⁷.

Treaty at
Rippon.

AN address arrived from the city of London, petitioning for a parliament; the great point to which all men's projects at this time tended⁷⁸. Twelve noblemen presented a petition to

⁷⁷ Clarendon, vol. i. p. 155.

⁷⁸ Rushworth, vol. iii. p. 1263.

C H A P. the same purpose⁷⁹. But the king contented
 LIII. himself with summoning a great council of the
 1640. peers at York; a measure, which had formerly
 been taken in cases of sudden emergency, but
 which, at present, could serve to little purpose.
 Perhaps, the king, who dreaded, above all
 things, the house of commons, and who expected
 no supply from them on any reasonable terms,
 thought, that, in his present distresses, he might
 be enabled to levy supplies by the authority of
 the peers alone. But the employing, so long,
 the plea of a necessity, which appeared distant
 and doubtful, rendered it impossible for him to
 avail himself of a necessity, which was now at
 last become real, urgent, and inevitable.

By Northumberland's sickness the command of
 the army had devolved on Strafford. This no-
 bleman possessed more vigor of mind than the
 king or any of the council. He advised Charles
 rather to put all to hazard, than submit to such
 unworthy terms as were likely to be imposed
 upon him. The loss sustained at Newburn, he
 said, was inconsiderable; and though a panic had
 for the time seized the army, that event was
 nothing strange among new levied troops; and
 the Scots, being in the same condition, would,
 no doubt, be liable, in their turn, to a like
 accident. His opinion, therefore, was, that the
 king should push forward, and attack the Scots,

⁷⁹ Clarendon, vol. i. p. 146. Rush. vol. iii. p. 1260.
 May, p. 69. Warwick, p. 151.

and bring the affair to a quick decision; and, if he were ever so unsuccessful, nothing worse could befall him, than what, from his inactivity, he would certainly be exposed to⁸⁰. To show how easy it would be to execute this project, he ordered an assault to be made on some quarters of the Scots, and he gained an advantage over them. No cessation of arms had, as yet, been agreed to, during the treaty at Rippon; yet great clamor prevailed, on account of this act of hostility. And when it was known that the officer, who conducted the attack, was a papist, a violent outcry was raised against the king, for employing that hated sect, in the murder of his protestant subjects⁸¹.

C H A P.

LIII.

1640.

It may be worthy of remark, that several mutinies had arisen among the English troops, when marching to join the army; and some officers had been murdered, merely on suspicion of their being papists⁸². The petition of right had abolished all martial law; and by an inconvenience, which naturally attended the plan, as yet new and unformed, of regular and rigid liberty, it was found absolutely impossible for the generals to govern the army, by all the authority, which the king could legally confer upon them. The lawyers had declared, that martial law could not be exercised, except in the very presence of an enemy; and because it had

⁸⁰ Nelson, vol. ii. p. 5. ⁸¹ Clarendon, vol. i. p. 159.

⁸² Rush. vol. iii. p. 1190, 1191, 1192, &c. May, p. 64.

C H A P. been found necessary to execute a mutineer, the
 LIII. generals thought it advisable; for their own
 1640. safety, to apply for a pardon from the crown. This weakness, however, was carefully concealed from the army; and lord Conway said, that, if any lawyer were so imprudent as to discover the secret to the soldiers, it would be necessary instantly to refute him, and to hang the lawyer himself, by sentence of a court-martial⁸³.

AN army new levied, undisciplined, frightened, seditious, ill-paid, and governed by no proper authority, was very unfit for withstanding a victorious and high-spirited enemy, and retaining in subjection a discontented and zealous nation.

24th Sept.
 Great council of the
 peers.

CHARLES, in despair of being able to stem the torrent, at last determined to yield to it: And as he foresaw, that the great council of the peers would advise him to call a parliament, he told them, in his first speech, that he had already taken this resolution. He informed them likewise, that the queen, in a letter, which she had written to him, had very earnestly recommended that measure. This good prince, who was extremely attached to his consort, and who passionately wished to render her popular in the nation, forgot not, amidst all his distresses, the interests of his domestic tenderness⁸⁴.

IN order to subsist both armies (for the king was obliged, in order to save the northern coun-

⁸³ Rushworth, vol. iii. p. 1199.

⁸⁴ Clarendon, vol. i. p. 154. Rushworth, vol. iii. p. 1275.

ties, to pay his enemies) Charles wrote to the city, desiring a loan of 200,000 pounds. And the peers at York, whose authority was now much greater than that of their sovereign, joined in the same request ⁸⁵. So low was this prince already fallen, in the eyes of his own subjects!

As many difficulties occurred in the negociation with the Scots, it was proposed to transfer the treaty from Rippon to London: A proposal willingly embraced by that nation, who were now sure of treating with advantage, in a place, where the king, they foresaw, would be, in a manner, a prisoner, in the midst of his implacable enemies, and their determined friends ⁸⁶.

⁸⁵ Rushworth, vol. iii. p. 1279.

⁸⁶ Ibid. p. 1305.

C H A P. LIV.

Meeting of the long parliament — Strafford and Laud impeached — Finch and Windebank fly — Great authority of the commons — The bishops attacked — Tonnage and poundage — Triennial bill — Strafford's trial — Bill of attainder — Execution of Strafford — High-commission and star-chamber abolished — King's journey to Scotland.

C H A P.
LIV.
1640.

THE causes of disgust, which, for above thirty years, had daily been multiplying in England, were now come to full maturity, and threatened the kingdom with some great revolution or convulsion. The uncertain and undefined limits of prerogative and privilege had been eagerly disputed during that whole period; and in every controversy between prince and people, the question, however doubtful, had always been decided, by each party, in favor of its own pretensions. Too lightly, perhaps, moved by the appearance of necessity, the king had even assumed powers incompatible with the principles of limited government, and had rendered it impossible for his most zealous partisans entirely to justify his conduct, except by topics so unpopular, that they were more fitted, in the present disposition of men's minds, to inflame, than appease, the general discontent. Those great supports of public authority, law and religion, had likewise,
by

by the unbounded compliance of judges and prelates, lost much of their influence over the people; or rather had in a great measure gone over to the side of faction, and authorized the spirit of opposition and rebellion. The nobility, also, whom the king had no means of retaining by offices and preferments suitable to their rank, had been seized with the general discontent, and unwarily threw themselves into the scale, which already began too much to preponderate. Sensible of some encroachments, which had been made by royal authority, men entertained no jealousy of the commons, whose enterprises, for the acquisition of power, had ever been covered with the appearance of public good, and had hitherto gone no farther than some disappointed efforts and endeavours. The progress of the Scottish malecontents reduced the crown to an entire dependence for supply: Their union with the popular party in England brought great accession of authority to the latter: The near prospect of success roused all latent murmurs and pretensions, which had hitherto been held in such violent constraint: And the torrent of general inclination and opinion ran so strongly against the court, that the king was in no situation to refuse any reasonable demands of the popular leaders, either for defining or limiting the powers of his prerogative. Even many exorbitant claims, in his present situation, would probably be made, and must necessarily be complied with.

THE triumph of the malecontents over the
VOL IX. I

C H A P.

LIV.

1640.

C H A P. church was not yet so immediate or certain.

LIV.

1640.

Though the political and religious puritans mutually lent assistance to each other, there were many who joined the former, yet declined all connexion with the latter. The hierarchy had been established in England ever since the reformation: The Romish church, in all ages, had carefully maintained that form of ecclesiastical government: The ancient fathers too, bore testimony to episcopal jurisdiction: And though parity may seem at first to have had place among Christian pastors, the period, during which it prevailed, was so short, that few undisputed traces of it remained in history. The bishops and their more zealous partisans inferred thence the divine indefeasible right of prelacy: Others regarded that institution as venerable and useful: And, if the love of novelty led some to adopt the new rites and discipline of the puritans, the reverence to antiquity retained many in their attachment to the liturgy and government of the church. It behoved, therefore, the zealous innovators in parliament to proceed with some caution and reserve. By promoting all measures which reduced the powers of the crown, they hoped to disarm the king, whom they justly regarded, from principle, inclination, and policy, to be the determined patron of the hierarchy. By declaiming against the supposed encroachments and tyranny of the prelates, they endeavoured to carry the nation, from a hatred of their persons, to an opposition against their office and

character. And when men were enlisted in party, it would not be difficult, they thought, to lead them by degrees into many measures, for which they formerly entertained the greatest aversion. Though the new sectaries composed not, at first, the majority of the nation, they were inflamed, as is usual among innovators, with extreme zeal for their opinions. Their unfurmountable passion, disguised to themselves, as well as to others, under the appearance of holy fervors, was well qualified to make profelytes, and to seize the minds of the ignorant multitude. And one furious enthusiast was able, by his active industry, to surmount the indolent efforts of many sober and reasonable antagonists.

WHEN the nation, therefore, was so generally discontented, and little suspicion was entertained of any design to subvert the church and monarchy; no wonder, that almost all elections ran in favor of those, who, by their high pretensions to piety and patriotism, had encouraged the national prejudices. It is a usual compliment to regard the king's inclination in the choice of a speaker; and Charles had intended to advance Gardiner, recorder of London, to that important trust: But so little interest did the crown, at that time, possess in the nation, that Gardiner was disappointed of his election, not only in London, but in every other place where it was attempted: And the king was obliged to make the choice of speaker fall on Lenthall, a lawyer

C H A P.

LIV.

1640.

C H A P. of some character, but not sufficiently qualified
LIV. for so high and difficult an office ¹.

1640. THE eager expectations of men with regard
Meeting of to a parliament, summoned at so critical a junc-
the long ture, and during such general discontents; a par-
parliament. liament, which, from the situation of public
Nov. 3. affairs, could not be abruptly dissolved, and
which was to execute every thing left unfinished
by former parliaments; these motives, so important
and interesting, engaged the attendance of all the
members; and the house of commons was never
observed to be, from the beginning, so full and
numerous. Without any interval, therefore,
they entered upon business, and by unanimous
consent they immediately struck a blow, which
may, in a manner, be regarded as decisive.

THE earl of Strafford was considered as chief
minister, both on account of the credit which he
possessed with his master, and of his own great
and uncommon vigor and capacity. By a con-
currence of accidents, this man labored under
the severe hatred of all the three nations, which
composed the British monarchy. The Scots,
whose authority now ran extremely high, looked
on him as the capital enemy of their country,
and one whose counsels and influence they had
most reason to apprehend. He had engaged the
parliament of Ireland to advance large subsidies,
in order to support a war against them: He
had levied an army of 9000 men, with which he

¹ Clarendon, vol. i. p. 169.

had menaced all their western coast : He had obliged the Scots, who lived under his government, to renounce the covenant, their national idol : He had in Ireland proclaimed the Scottish covenanters rebels and traitors, even before the king had issued any such declaration against them in England : And he had ever dissuaded his master against the late treaty and suspension of arms, which he regarded as dangerous and dishonorable. So avowed and violent were the Scots in their resentment of all these measures, that they had refused to send commissioners to treat at York, as was at first proposed ; because, they said, the lieutenant of Ireland, their capital enemy, being general of the king's forces, had there the chief command and authority.

STRAFFORD, first as deputy, then as lord lieutenant, had governed Ireland during eight years with great vigilance, activity, and prudence, but with very little popularity. In a nation so averse to the English government and religion, these very virtues were sufficient to draw on him the public hatred. The manners too and character of this great man, though to all full of courtesy, and to his friends full of affection, were, at bottom, haughty, rigid, and severe. His authority and influence, during the time of his government, had been unlimited ; but no sooner did adversity seize him, than the concealed aversion of the nation blazed up at once, and the Irish parliament used every expedient to aggravate the charge against him.

C H A P.

LIV.

1640.

THE universal discontent, which prevailed in England against the court, was all pointed towards the earl of Strafford; though without any particular reason, but because he was the minister of state, whom the king most favored and most trusted. His extraction was honorable, his paternal fortune considerable: Yet envy attended his sudden and great elevation. And his former associates in popular counsels, finding that he owed his advancement to the desertion of their cause, represented him as the great apostate of the commonwealth, whom it behoved them to sacrifice, as a victim to public justice.

STRAFFORD, sensible of the load of popular prejudices under which he labored, would gladly have declined attendance in parliament; and he begged the king's permission to withdraw himself to his government of Ireland, at least to remain at the head of the army in Yorkshire; where many opportunities, he hoped, would offer, by reason of his distance, to elude the attacks of his enemies. But Charles, who had entire confidence in the earl's capacity, thought, that his counsels would be extremely useful during the critical session which approached. And when Strafford still insisted on the danger of his appearing amidst so many enraged enemies, the king, little apprehensive that his own authority was so suddenly to expire, promised him protection, and assured him, that not a hair of his head should be touched by the parliament².

² Whitlocke, p. 36.

No sooner was Strafford's arrival known, than a concerted attack was made upon him in the house of commons. Pym, in a long, studied discourse, divided into many heads after his manner, enumerated all the grievances, under which the nation labored; and, from a complication of such oppressions, inferred, that a deliberate plan had been formed of changing entirely the frame of government, and subverting the ancient laws and liberties of the kingdom³. Could any thing, he said, increase our indignation against so enormous and criminal a project, it would be to find, that, during the reign of the best of princes, the constitution had been endangered by the worst of ministers, and that the virtues of the king had been seduced by wicked and pernicious counsel. We must inquire, added he, from what fountain these waters of bitterness flow; and though doubtless many evil counsellors will be found to have contributed their endeavours, yet there is one who challenges the infamous pre-eminence, and who, by his courage, enterprise, and capacity, is entitled to the first place among these betrayers of their country. He is the earl of Strafford, lieutenant of Ireland, and president of the council of York, who, in both places, and in all other provinces, where he has been intrusted with authority, has raised ample monuments of tyranny, and will appear, from a survey of his actions, to be the chief promoter of

C H A P.

LIV.

1640.

11th Nov.

Strafford
impeached.

³ Whitlocke, p. 36.

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LIV.
1640.

every arbitrary counsel. Some instances of imperious expressions, as well as actions, were given by Pym; who afterwards entered into a more personal attack of that minister, and endeavoured to expose his whole character and manners. The austere genius of Strafford, occupied in the pursuits of ambition, had not rendered his breast altogether inaccessible to the tender passions, or secured him from the dominion of the fair; and in that fullen age, when the irregularities of pleasure were more reproachful than the most odious crimes, these weaknesses were thought worthy of being mentioned, together with his treasons, before so great an assembly. And upon the whole, the orator concluded, that it belonged to the house to provide a remedy proportionable to the disease, and to prevent the farther mischiefs justly to be apprehended from the influence, which this man had acquired over the measures and counsels of their sovereign*.

SIR John Clotworthy an Irish gentleman, Sir John Hotham of Yorkshire, and many others, entered into the same topics: And after several hours spent in bitter invective, when the doors were locked, in order to prevent all discovery of their purpose; it was moved, in consequence of the resolution secretly taken, that Strafford should immediately be impeached of high treason. This motion was received with universal approbation; nor was there, in all the debate, one

* Clarendon, vol. i. p. 172.

person that offered to stop the torrent by any testimony in favor of the earl's conduct. Lord Falkland alone, though known to be his enemy, modestly desired the house to consider, whether it would not better suit the gravity of their proceedings, first to digest, by a committee, many of those particulars, which had been mentioned, before they sent up an accusation against him. It was ingenuously answered by Pym, that such a delay might probably blast all their hopes, and put it out of their power to proceed any farther in the prosecution: That when Strafford should learn, that so many of his enormities were discovered, his conscience would dictate his condemnation; and so great was his power and credit, he would immediately procure the dissolution of the parliament, or attempt some other desperate measure for his own preservation: That the commons were only accusers, not judges; and it was the province of the peers to determine, whether such a complication of enormous crimes, in one person, did not amount to the highest crime known by the law^s. Without farther debate, the impeachment was voted: Pym was chosen to carry it up to the lords: Most of the house accompanied him on so agreeable an errand: And Strafford, who had just entered the house of peers, and who little expected so speedy a prosecution, was immediately, upon this general charge, ordered into custody, with several symp-

C H A P.

LIV.

1640.

^s Clarendon, vol. i. p. 174.

C H A P.

LIV.

1640.

Laud im-
peached.

toms of violent prejudice in his judges, as well as in his prosecutors.

IN the inquiry concerning grievances and in the censure of past measures, Laud could not long escape the severe scrutiny of the commons; who were led too, in their accusation of that prelate, as well by their prejudices against his whole order, as by the extreme antipathy, which his intemperate zeal had drawn upon him. After a deliberation, which scarcely lasted half an hour, an impeachment of high treason was voted against this subject, the first, both in rank and in favor, throughout the kingdom. Though this incident, considering the example of Strafford's impeachment and the present disposition of the nation and parliament, needed be no surprise to him; yet was he betrayed into some passion, when the accusation was presented. *The commons themselves*, he said, *though his accusers, did not believe him guilty of the crimes with which they charged him*: An indiscretion, which, next day, upon more mature deliberation, he desired leave to retract; but so little favorable were the peers, that they refused him this advantage or indulgence. Laud also was immediately, upon this general charge, sequestered from parliament, and committed to custody⁶.

THE capital article, insisted on against these two great men, was the design which the com-

⁶ Clarendon, vol. i. p. 177. Whitlocke, p. 38. Rushworth, vol. iii. p. 1365.

mons supposed to have been formed of subverting the laws and constitution of England, and introducing arbitrary and unlimited authority into the kingdom. Of all the king's ministers, no one was so obnoxious in this respect as the lord keeper, Finch. He it was, who, being speaker in the king's third parliament, had left the chair, and refused to put the question, when ordered by the house. The extrajudicial opinion of the judges in the case of ship-money had been procured by his intrigues, persuasions, and even menaces. In all unpopular and illegal measures, he was ever most active; and he was even believed to have declared publicly, that, while he was keeper, an order of council should always with him be equivalent to a law. To appease the rising displeasure of the commons, he desired to be heard at their bar. He prostrated himself with all humility before them; but this submission availed him nothing. An impeachment was resolved on; and in order to escape their fury, he thought proper secretly to withdraw, and retire into Holland. As he was not esteemed equal to Strafford, or even to Laud, either in capacity or in fidelity to his master; it was generally believed, that his escape had been connived at by the popular leaders². His impeachment, however, in his absence, was carried up to the house of peers.

SIR Francis Windebank, the secretary, was a

C H A P.

LIV.

1640.

Lord keeper
Finch flies.

² Clarendon, vol. i. p. 177. Whitlocke, p. 38.
Rushworth, vol. i. p. 129. 136.

C H A P. creature of Laud's; a sufficient reason for his
 LIV. being extremely obnoxious to the commons. He
 1640. was secretly suspected too of the crime of popery;
 and it was known, that, from complaisance to
 the queen, and indeed in compliance with the
 king's maxims of government, he had granted
 many indulgences to catholics, and had signed
 warrants for the pardon of priests, and their de-
 livered from confinement. Grimstone, a popular
 member, called him, in the house, the very pan-
 der and broker to the whore of Babylon*. Find-
 ing that the scrutiny of the commons was point-
 ing towards him, and being sensible that Eng-
 land was no longer a place of safety for men of
 his character, he suddenly made his escape into
 France*.

Secretary
 Windebank
 Ries.

THUS, in a few weeks, this house of commons,
 not opposed, or rather seconded by the peers,
 had produced such a revolution in the govern-
 ment, that the two most powerful and most fa-
 vored ministers of the king were thrown into
 the Tower, and daily expected to be tried for
 their life: Two other ministers had, by flight
 alone, saved themselves from a like fate: All the
 king's servants saw that no protection could be
 given them by their master: A new jurisdiction
 was erected in the nation; and before that
 tribunal all those trembled, who had before ex-
 ulted most in their credit and authority.

* Rushworth, vol. v. p. 122.

* Clarendon, vol. i. p. 178. Whitlocke, p. 37.

WHAT rendered the power of the commons more formidable, was, the extreme prudence with which it was conducted. Not content with the authority, which they had acquired by attacking these great ministers, they were resolved to render the most considerable bodies of the nation obnoxious to them. Though the idol of the people, they determined to fortify themselves likewise with terrors, and to overawe those who might still be inclined to support the falling ruins of monarchy.

C H A P.
LIV.
1640.

Great au-
thority of
the com-
mons.

DURING the late military operations, several powers had been exercised by the lieutenants and deputy-lieutenants of counties: And these powers, though necessary for the defence of the nation, and even warranted by all former precedent, yet not being authorized by statute, were now voted to be illegal; and the persons who had assumed them, declared *delinquents*. This term was newly come into vogue, and expressed a degree and species of guilt not exactly known or ascertained. In consequence of that determination, many of the nobility and prime gentry of the nation, while only exerting, as they justly thought, the legal powers of magistracy, unexpectedly found themselves involved in the crime of delinquency. And the commons reaped this multiplied advantage by their vote: They disarmed the crown; they established the maxims of rigid law and liberty; and they spread the terror of their own authority¹⁰.

¹⁰ Clarendon, vol. i. p. 176.

C H A P. THE writs for ship-money had been directed to
 LIV. the sheriffs, who were required, and even ob-
 1546. liged under severe penalties, to assess the sums
 upon individuals, and to levy them by their au-
 thority: Yet were all the sheriffs, and all those
 who had been employed in that illegal service,
 voted, by a very rigorous sentence, to be de-
 linquents. The king, by the maxims of law,
 could do no wrong: His ministers and servants,
 of whatever degree, in case of any violation of
 the constitution, were alone culpable¹¹.

ALL the farmers and officers of the customs,
 who had been employed during so many years,
 in levying tonnage and poundage and the new
 impositions, were likewise declared criminals,
 and were afterwards glad to compound for a
 pardon by paying a fine of 150,000 pounds.

EVERY discretionary or arbitrary sentence of
 the star-chamber and high commission; courts,
 which, from their very constitution, were arbi-
 trary, underwent a severe scrutiny: And all
 those, who had concurred in such sentences,
 were voted to be liable to the penalties of law¹².
 No minister of the king, no member of the
 council, but found himself exposed by this
 decision.

THE judges, who had given their vote against
 Hambden in the trial of ship-money, were ac-
 cused before the peers, and obliged to find surety
 for their appearance. Berkeley, a judge of the

¹¹ Clarendon, vol. i. p. 176.

¹² Ibid. p. 177.

King's Bench, was seized by order of the house, even when sitting in his tribunal; and all men saw with astonishment the irresistible authority of their jurisdiction¹³.

C H A P.

LIV.

1640.

THE sanction of the lords and commons, as well as that of the king, was declared necessary for the confirmation of ecclesiastical canons¹⁴. And this judgment, it must be confessed, however reasonable, at least useful, it would have been difficult to justify by any precedent¹⁵. But the present was no time for question or dispute. That decision, which abolished all legislative power except that of parliament, was requisite for completing the new plan of liberty, and rendering it quite uniform and systematical. Almost all the bench of bishops, and the most considerable of the inferior clergy, who had voted in the late convocation, found themselves exposed, by these new principles, to the imputation of delinquency¹⁶.

THE most unpopular of all Charles's measures, and the least justifiable, was the revival of mono-

¹³ Whitlocke, p. 39.¹⁴ Nelson, vol. i. p. 678.

¹⁵ An act of parliament, 25 Hen. VIII. cap. 19. allowed the convocation with the king's consent to make canons. By the famous act of submission to that prince, the clergy bound themselves to enact no canons without the king's consent. The parliament was never mentioned nor thought of. Such pretensions as the commons advanced at present, would, in any former age, have been deemed strange usurpations.

¹⁶ Clarendon, vol. i. p. 206. Whitlocke, p. 37. Rush. vol. v. p. 235. 359. Nelson, vol. i. p. 807.

C H A P. LIV. 1640. polies, so solemnly abolished, after reiterated endeavours, by a recent act of parliament. Sensible of this unhappy measure, the king had, of himself, recalled, during the time of his first expedition against Scotland, many of these oppressive patents; and the rest were now annulled by authority of parliament, and every one who was concerned in them, declared delinquents. The commons carried so far their detestation of this odious measure, that they assumed a power which had formerly been seldom practised¹⁷, and they expelled all their members who were monopolists or projectors: An artifice, by which, besides increasing their own privileges, they weakened still farther the very small party, which the king secretly retained in the house. Mildmay, a notorious monopolist, yet having associated himself with the ruling party, was still allowed to keep his seat. In all questions indeed of elections, no steady rule of decision was observed; and nothing farther was regarded than the affections and attachment of the parties¹⁸. Men's passions were too much heated to be shocked with any instance of injustice, which served ends so popular as those which were pursued by this house of commons.

THE whole sovereign power being thus in a manner transferred to the commons, and the

¹⁷ Lord Clarendon says it was entirely new; but there are instances of it in the reign of Elizabeth. D'Ewes, p. 296. 352. There are also instances in the reign of James.

¹⁸ Clarendon, vol. i. p. 176.

government,

government, without any seeming violence or disorder, being changed, in a moment, from a monarchy almost absolute, to a pure democracy; the popular leaders seemed willing for some time to suspend their active vigor, and to consolidate their authority, ere they proceeded to any violent exercise of it. Every day produced some new harangue on past grievances. The detestation of former usurpations, was farther enlivened: The jealousy of liberty roused: And agreeably to the spirit of free government, no less indignation was excited, by the view of a violated constitution, than by the ravages of the most enormous tyranny.

THIS was the time, when genius and capacity of all kinds, freed from the restraint of authority, and nourished by unbounded hopes and projects, began to exert themselves, and be distinguished by the public. Then was celebrated the sagacity of Pym, more fitted for use than ornament; matured, not chilled, by his advanced age and long experience: Then was displayed the mighty ambition of Hambden, taught disguise, not moderation, from former constraint; supported by courage, conducted by prudence, embellished by modesty; but whether founded in a love of power or zeal for liberty, is still, from his untimely end, left doubtful and uncertain: Then too were known the dark, ardent, and dangerous character of St. John; the impetuous spirit of Hollis, violent and sincere, open and entire in his enmities and in his friendships; the enthusiastic genius of young

C H A P. Vane, extravagant in the ends which he pursued,
 LIV. sagacious and profound in the means which he
 1640. employed; incited by the appearances of religion,
 negligent of the duties of morality.

So little apology would be received for past measures, so contagious the general spirit of discontent, that even men of the most moderate tempers, and the most attached to the church and monarchy, exerted themselves with the utmost vigor in the redress of grievances, and in prosecuting the authors of them. The lively and animated Digby displayed his eloquence on this occasion, the firm and undaunted Capel, the modest and candid Palmer. In this list too of patriot royalists are found the virtuous names of Hyde and Falkland. Though in their ultimate views and intentions, these men differed widely from the former; in their present actions and discourses, an entire concurrence and unanimity was observed.

By the daily harangues and invectives against illegal usurpations, not only the house of commons inflamed themselves with the highest animosity against the court: The nation caught new fire from the popular leaders, and seemed now to have made the first discovery of the many supposed disorders in the government. While the law, in several instances, seemed to be violated, they went no farther than some secret and calm murmurs; but mounted up into rage and fury, as soon as the constitution was thought to be restored to its former integrity and vigor. The

capital especially, being the seat of parliament, was highly animated with the spirit of mutiny and disaffection. Tumults were daily raised; seditious assemblies encouraged; and every man, neglecting his own business, was wholly intent on the defence of liberty and religion. By stronger contagion, the popular affections were communicated from breast to breast, in this place of general rendez-vous and society.

THE harangues of members, now first published and dispersed, kept alive the discontents against the king's administration. The pulpits, delivered over to puritanical preachers and lecturers, whom the commons arbitrarily settled in all the considerable churches, refounded with faction and fanaticism. Vengeance was fully taken for the long silence and constraint, in which, by the authority of Laud and the high commission, these preachers had been retained. The press, freed from all fear or reserve, swarmed with productions, dangerous by their seditious zeal and calumny, more than by any art or eloquence of composition. Noise and fury, cant and hypocrisy, formed the sole rhetoric, which, during this tumult of various prejudices and passions, could be heard or attended to.

THE sentence, which had been executed against Prynne, Bastwic, and Burton, now suffered a revival from parliament. These libellers, far from being tamed by the rigorous punishments, which they had undergone, showed still a disposition of repeating their offence; and the ministers were

C H A P. afraid, lest new satires should issue from their
 LIV. prisons, and still farther inflame the prevailing
 1640. discontents. By an order, therefore, of council,
 they had been carried to remote prisons; Bastwic
 to Scilly, Prynne to Jersey, Burton to Guernsey;
 all access to them was denied; and the use of
 books, and of pen, ink, and paper, was refused
 them. The sentence for these additional punish-
 ments was immediately reversed, in an arbitrary
 manner by the commons: Even the first sentence,
 upon examination, was declared illegal: And the
 judges, who passed it, were ordered to make
 reparation to the sufferers¹⁹. When the prisoners
 landed in England, they were received and en-
 tertained with the highest demonstrations of
 affection, were attended by a mighty confluence
 of company, their charges were borne with great
 magnificence, and liberal presents bestowed on
 them. On their approach to any town, all the
 inhabitants crowded to receive them, and wel-
 comed their reception with shouts and acclama-
 tions. Their train still increased, as they drew
 nigh to London. Some miles from the city, the
 zealots of their party met them in great multi-
 tudes, and attended their triumphant entrance:
 Boughs were carried in this tumultuous proces-
 sion; the roads were strewed with flowers; and
 amidst the highest exultations of joy, were inter-
 mingled loud and virulent invectives against the
 prelates, who had so cruelly persecuted such

¹⁹ Nelson, vol. i. p. 783. May, p. 79.

godly personages ²⁰. The more ignoble these men were, the more sensible was the insult upon royal authority, and the more dangerous was the spirit of disaffection and mutiny, which it discovered among the people.

LILBURNE, Leighton, and every one that had been punished for seditious libels during the preceding administration, now recovered their liberty, and were decreed damages from the judges and ministers of justice ²¹.

NOT only the present disposition of the nation ensured impunity to all libellers: A new method of framing and dispersing libels was invented by the leaders of popular discontent. Petitions to parliament were drawn, craving redress against particular grievances; and when a sufficient number of subscriptions were procured, the petitions were presented to the commons, and immediately published. These petitions became secret bonds of association among the subscribers, and seemed to give undoubted sanction and authority to the complaints, which they contained.

It is pretended by historians favorable to the royal cause ²², and is even asserted by the king himself in a declaration ²³, that a most disingenuous or rather criminal practice prevailed, in conducting many of these addresses. A petition was

²⁰ Clarendon, vol. i. p. 199, 200, &c. Nelson, vol. i. p. 570. May, p. 80.

²¹ Rushworth, vol. v. p. 228. Nelson, vol. i. p. 800.

²² Dugdale. Clarendon, vol. i. p. 203.

²³ Husb. Col. p. 536.

C H A P. first framed; moderate, reasonable, such as men
 LIV of character willingly subscribed. The names
 1640. were afterwards torn off, and affixed to another
 petition, which served better the purposes of the
 popular faction. We may judge of the wild fury
 which prevailed throughout the nation, when so
 scandalous an imposture, which affected such
 numbers of people, could be openly practised,
 without drawing infamy and ruin upon the ma-
 nagers.

So many grievances were offered, both by the
 members, and by petitions without doors, that
 the house was divided into above forty com-
 mittees, charged, each of them, with the exa-
 mination of some particular violation of law
 and liberty, which had been complained of.
 Besides the general committees of religion, trade,
 privileges, laws; many subdivisions of these were
 framed, and a strict scrutiny was every where
 carried on. It is to be remarked, that, before
 the beginning of this century, when the com-
 mons assumed less influence and authority, com-
 plaints of grievances were usually presented to
 the house, by any members who had had par-
 ticular opportunity of observing them. These
 general committees, which were a kind of inqui-
 sitorial courts, had not then been established;
 and we find, that the king, in a former decla-
 ration²⁴, complains loudly of this innovation,

²⁴ Published on dissolving the third parliament. See
 Parl. Hist. vol. viii. p. 347.

so little favorable to royal authority. But never was so much multiplied, as at present, the use of these committees; and the commons, though themselves the greatest innovators, employed the usual artifice of complaining against innovations, and pretending to recover the ancient and established government.

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FROM the reports of their committees, the house daily passed votes, which mortified and astonished the court, and inflamed and animated the nation. Ship-money was declared illegal and arbitrary; the sentence against Hambden cancelled; the court of York abolished; compositions for knighthood stigmatized; the enlargement of the forests condemned; patents for monopolies annulled; and every late measure of administration treated with reproach and obloquy. To day, a sentence of the star-chamber was exclaimed against: To morrow, a decree of the high-commission. Every discretionary act of council was represented as arbitrary and tyrannical; and the general inference was still inculcated, that a formed design had been laid to subvert the laws and constitution of the kingdom.

FROM necessity, the king remained entirely passive during all these violent operations. The few servants, who continued faithful to him, were seized with astonishment at the rapid progress made by the commons in power and popularity, and were glad, by their unactive and inoffensive behaviour, to compound for impunity. The torrent rising to so dreadful and unexpected a

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1640.

height, despair seized all those, who from interest or habit, were most attached to monarchy. And as for those, who maintained their duty to the king, merely from their regard to the constitution, they seemed by their concurrence to swell that inundation, which began already to deluge every thing. "You have taken the whole machine of government in pieces," said Charles in a discourse to the parliament; "a practice frequent with skilful artists, when they desire to clear the wheels from any rust, which may have grown upon them. The engine," continued he, "may again be restored to its former use and motions, provided it be put up entire; so as not a pin of it be wanting." But this was far from the intention of the commons. The machine they thought, with some reason, was incumbered with many wheels and springs, which retarded and crossed its operations, and destroyed its utility. Happy! had they proceeded with moderation, and been contented, in their present plenitude of power, to remove such parts only as might justly be deemed superfluous and incongruous.

IN order to maintain that high authority, which they had acquired, the commons, besides confounding and overawing their opponents, judged it requisite to inspire courage into their friends and adherents; particularly into the Scots, and the religious puritans, to whose assistance and good offices they were already so much beholden.

No sooner were the Scots masters of the northern counties, than they laid aside their first professions, which they had not indeed means to support, of paying for every thing; and in order to prevent the destructive expedient of plunder and free quarters, the country consented to give them a regular contribution of 850 pounds a day, in full of their subsistence²⁵. The parliament, that they might relieve the northern counties from so grievous a burden, agreed to remit pay to the Scottish, as well as to the English army; and because subsidies would be levied too slowly for so urgent an occasion, money was borrowed from the citizens upon the security of particular members. Two subsidies, a very small sum²⁶, were at first voted; and as the intentions of this supply was to indemnify the members, who, by their private, had supported public credit, this pretence was immediately laid hold of, and the money was ordered to be paid, not into the treasury, but to commissioners appointed by parliament: A practice, which, as it diminished the authority of the crown, was willingly embraced, and was afterwards continued by the commons, with regard to every branch of revenue, which they granted to the king. The invasion of the Scots had evidently been the cause of assembling the parliament: The presence

²⁵ Rushworth, vol. iii. p. 1295.

²⁶ It appears, that a subsidy was now fallen to 50,000 pounds.

C H A P. of their army reduced the king to that total
 LIV. subjection, in which he was now held: The
 1640. commons, for this reason, openly professed their
 intention of retaining these invaders, till all their
 own enemies should be suppressed, and all their
 purposes effected. *We cannot yet spare the Scots,*
 said Strode plainly in the house; *the sons of*
Zeruiah are still too strong for us ²⁷: An allusion to
 a passage of scripture, according to the mode of
 that age. Eighty thousand pounds a month were
 requisite for the subsistence of the two armies; a
 sum much greater than the subject had ever been
 accustomed, in any former period, to pay to
 the public. And though several subsidies, toge-
 ther with a poll-tax, were from time to time
 voted to answer the charge; the commons still
 took care to be in debt, in order to render the
 continuance of the session the more necessary.

THE Scots being such useful allies to the
 malecontent party in England, no wonder they
 were courted with the most unlimited complai-
 sance and the most important services. The king
 having, in his first speech, called them *rebels*,
 observed, that he had given great offence to the
 parliament; and he was immediately obliged to
 soften, and even retract the expression. The
 Scottish commissioners, of whom the most consi-
 derable were the earl of Rothes and lord Loudon,
 found every advantage in conducting their treaty;
 yet made no haste in bringing it to an issue.

²⁷ Dugdale, p. 71.

They were lodged in the city, and kept an intimate correspondence, as well with the magistrates, who were extremely disaffected, as with the popular leaders in both houses. St. Antholine's church was assigned them for their devotions; and their chaplains, here, began openly to practise the presbyterian form of worship, which, except in foreign languages, had never hitherto been allowed any indulgence or toleration. So violent was the general propensity towards this new religion, that multitudes of all ranks crowded to the church. Those, who were so happy as to find access early in the morning, kept their places the whole day: Those, who were excluded, clung to the doors or windows, in hopes of catching, at least, some distant murmur or broken phrases of the holy rhetoric²⁸. All the eloquence of parliament, now well refined from pedantry, animated with the spirit of liberty, and employed in the most important interests, was not attended to with such insatiable avidity, as were these lectures, delivered with ridiculous cant, and a provincial accent, full of barbarism and of ignorance.

THE most effectual expedient for paying court to the zealous Scots was to promote the presbyterian discipline and worship throughout England and to this innovation, the popular leaders among the commons, as well as their more devoted partisans, were, of themselves, sufficiently

²⁸ Clarendon, vol. i. p. 189.

C H A P. inclined. The puritanical party, whose progress,
 LIV. though secret, had hitherto been gradual in the
 1640. kingdom, taking advantage of the present disorders, began openly to profess their tenets, and to make furious attacks on the established religion. The prevalence of that sect in the parliament discovered itself, from the beginning, by insensible, but decisive symptoms. Marshall and Burges, two puritanical clergymen, were chosen to preach before them, and entertained them with discourses seven hours in length²⁹. It being the custom of the house always to take the sacrament before they enter upon business, they ordered, as a necessary preliminary, that the communion table should be removed from the east end of St. Margaret's into the middle of the area³⁰. The name of the *spiritual lords* was commonly left out in acts of parliament; and the laws ran in the name of king, lords, and commons. The clerk of the upper house, in reading bills, turned his back on the bench of bishops; nor was his insolence ever taken notice of. On a day appointed for a solemn fast and humiliation, all the orders of temporal peers, contrary to former practice, in going to church, took place of the spiritual; and lord Spencer remarked, that the humiliation, that day, seemed confined alone to the prelates.

The bishops
 attacked.

EVERY meeting of the commons produced

²⁹ Nelson, vol. i. p. 530. 533.

³⁰ Idem, *ibid.* p. 537.

some vehement harangue against the usurpations of the bishops, against the high commission, against the late convocation, against the new canons. So disgusted were all lovers of civil liberty at the doctrines promoted by the clergy, that these invectives were received without controul; and no distinction, at first, appeared between such as desired only to repress the exorbitances of the hierarchy, and such as pretended totally to annihilate episcopal jurisdiction. Encouraged by these favorable appearances, petitions against the church were framed in different parts of the kingdom. The epithet of the ignorant and vicious priesthood was commonly applied to all churchmen, addicted to the established discipline and worship; though the episcopal clergy in England, during that age, seem to have been, as they are at present, sufficiently learned and exemplary. An address against episcopacy was presented by twelve clergymen to the committee of religion, and pretended to be signed by many hundreds of the puritanical persuasion. But what made most noise was the city petition, for a total alteration of church-government; a petition to which 15,000 subscriptions were annexed, and which was presented by Alderman Pennington, the city-member³¹. It is remarkable, that, among the many ecclesiastical abuses there complained of, an allowance, given by the licensers of books, to publish a translation of

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³¹ Clarendon, vol. i. p. 203. Whitlocke, p. 37.
Nelson, vol. i. p. 666.

C H A P. Ovid's Art of Love, is not forgotten by these
LIV. rustic censors ³².

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NOTWITHSTANDING the favorable disposition of the people, the leaders in the house resolved to proceed with caution. They introduced a bill for prohibiting all clergymen the exercise of any civil office. As a consequence, the bishops were to be deprived of their seats in the house of peers; a measure not unacceptable to the zealous friends of liberty, who observed, with regret, the devoted attachment of that order to the will of the monarch. But when this bill was presented to the peers, it was rejected by a great majority ³³: The first check which the commons had received in their popular career, and a prognostic of what they might afterwards expect from the upper house, whose inclinations and interests could never be totally separated from the throne. But to show how little they were discouraged, the puritans immediately brought in another bill for the total abolition of episcopacy; though they thought proper to let that bill sleep at present, in expectation of a more favorable opportunity of reviving it ³⁴.

AMONG other acts of regal executive power, which the commons were every day assuming, they issued orders for demolishing all images, altars, crucifixes. The zealous Sir Robert Harley, to whom the execution of these orders was com-

³² Rushworth, vol. v. p. 171.

³³ Clarendon, vol. i. p. 237. ³⁴ Idem, ibid. p. 237.

mitted, removed all crosses even out of streets and markets; and from his abhorrence of that superstitious figure, would not any-where allow one piece of wood or stone to lie over another at right angles ³⁵.

THE bishop of Ely and other clergymen were attacked on account of innovations ³⁶. Cozens, who had long been obnoxious, was exposed to new censures. This clergyman, who was dean of Peterborough, was extremely zealous for ecclesiastical ceremonies: And so far from permitting the communicants to break the sacramental bread with their fingers; a privilege on which the puritans strenuously insisted; he would not so much as allow it to be cut with an ordinary household instrument. A consecrated knife must perform that sacred office, and must never afterwards be profaned by any vulgar service ³⁷.

COZENS likewise was accused of having said, *The king has no more authority in ecclesiastical matters, than the boy who rubs my horse's heels* ³⁸. The expression was violent: But it is certain, that all those high churchmen, who were so industrious in reducing the laity to submission, were extremely fond of their own privileges and independence, and were desirous of exempting the mitre from all subjection to the crown.

A COMMITTEE was elected by the lower house

³⁵ Whitlocke, p. 45. ³⁶ Rushworth, vol. v. p. 351.

³⁷ Ibid. p. 203.

³⁸ Parl. Hist. vol. vii. p. 282. Rushworth, vol. v. p. 209.

C H A P. as a court of inquisition upon the clergy, and
 LIV. was commonly denominated the committee of
 1640. *scandalous ministers*. The politicians among the commons were apprized of the great importance of the pulpit for guiding the people; the bigots were enraged against the prelatical clergy; and both of them knew that no established government could be overthrown by strictly observing the principles of justice, equity, or clemency. The proceedings, therefore, of this famous committee, which continued for several years, were cruel and arbitrary, and made great havoc both on the church and the universities. They began with harassing, imprisoning, and molesting the clergy; and ended with sequestrating and ejecting them. In order to join contumely to cruelty, they gave the sufferers the epithet of *scandalous*, and endeavoured to render them as odious as they were miserable ³⁹. The greatest vices, however, which they could reproach to a great part of them, were, bowing at the name of Jesus, placing the communion table in the east, reading the king's orders for sports on Sunday, and other practices, which the established government, both in church and state, had strictly enjoined them.

It may be worth observing, that all historians, who lived near that age, or what perhaps is more decisive, all authors, who have casually made mention of public transactions, still repre-

³⁹ Clarendon, vol. i. p. 199. Whitlocke, p. 122. May, p. 81.
 sent

sent the civil disorders and convulsions, as proceeding from religious controversy, and consider the political disputes about power and liberty as entirely subordinate to the other. It is true, had the king been able to support government, and at the same time, to abstain from all invasion of national privileges, it seems not probable, that the puritans ever could have acquired such authority as to overturn the whole constitution: Yet so entire was the subjection, into which Charles was now fallen, that, had not the wound been poisoned by the infusion of theological hatred, it must have admitted of an easy remedy. Disuse of parliaments, imprisonments and prosecution of members, ship-money, an arbitrary administration; these were loudly complained of: But the grievances, which tended chiefly to inflame the parliament and nation, especially the latter, were, the surplice, the rails placed about the altar, the bows exacted on approaching it, the liturgy, the breach of the sabbath, embroidered copes, lawn sleeves, the use of the ring in marriage, and of the cross in baptism. On account of these, were the popular leaders content to throw the government into such violent convulsions; and to the disgrace of that age and of this island, it must be acknowledged, that the disorders in Scotland entirely, and those in England mostly, proceeded from so mean and contemptible an origin⁴⁰.

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⁴⁰ Lord Clarendon, vol. i. p. 233, says, that the parlia-
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SOME persons, partial to the patriots of this age, have ventured to put them in a balance with the most illustrious characters of antiquity; and mentioned the names of Pym, Hambden, Vane, as a just parallel to those of Cato, Brutus, Cassius. Profound capacity, indeed, undaunted courage, extensive enterprise; in these particulars, perhaps the Roman do not much surpass the English worthies: But what a difference, when the discourse, conduct, conversation, and private as well as public behaviour, of both are inspected! Compare only one circumstance, and consider its consequences. The leisure of those noble ancients was totally employed in the study of Grecian eloquence and philosophy; in the cultivation of polite letters and civilized society: The whole discourse and language of the moderns were polluted with mysterious jargon, and full of the lowest and most vulgar hypocrisy.

THE laws, as they stood at present, protected the church; but they exposed the catholics to the utmost rage of the puritans and these unhappy religionists, so obnoxious to the prevailing sect, could not hope to remain long unmolested. The

mentary party were not agreed about the entire abolition of episcopacy: They were only the *root and branch men*, as they were called, who insisted on that measure. But those who were willing to retain bishops, insisted on reducing their authority to a low ebb; as well as on abolishing the ceremonies of worship and vestments of the clergy. The controversy, therefore, between the parties was almost wholly theological, and that of the most frivolous and ridiculous kind.

voluntary contribution, which they had made, in order to assist the king in his war against the Scottish covenanters, was inquired into, and represented as the greatest enormity⁴¹. By an address from the commons, all officers of that religion were removed from the army, and application was made to the king for seizing two thirds of the lands of recusants; a proportion to which, by law, he was entitled, but which he had always allowed them to possess upon easy compositions. The execution of the severe and bloody laws against priests was insisted on: And one Goodman, a jesuit, who was found in prison, was condemned to a capital punishment. Charles, however, agreeably to his usual principles, scrupled to sign the warrant for his execution; and the commons expressed great resentment on the occasion⁴². There remains a singular petition of Goodman, begging to be hanged, rather than prove a source of contention between the king and his people⁴³. He escaped with his life; but it seems more probable, that he was overlooked, amidst affairs of greater consequence, than that such unrelenting hatred would be softened by any consideration of his courage and generosity.

For some years, Con, a Scotchman; afterwards, Rosetti, an Italian, had openly resided at

⁴¹ Rushworth, vol. v. p. 166.

⁴² Idem, ibid. p. 158, 159. Nelson, vol. i. p. 739.

⁴³ Rushworth, vol. v. p. 166. Nelson, vol. i. p. 749.

C H A P. London, and frequented the court, as vested
 LIV. with a commission from the Pope. The queen's
 1640. zeal and her authority with her husband had
 been the cause of this imprudence, so offensive
 to the nation ⁴⁴. But the spirit of bigotry now
 rose too high to permit any longer such indul-
 gences ⁴⁵.

HAYWARD, a justice of peace, having been
 wounded, when employed in the exercise of
 his office, by one James, a catholic madman,
 this enormity was ascribed to the popery, not
 to the phrenzy, of the assassin; and great alarms
 seized the nation and parliament ⁴⁶. An univer-
 sal conspiracy of the papists was supposed to
 have taken place; and every man for some
 days, imagined that he had a sword at his
 throat. Though some persons of family and
 distinction were still attached to the catholic
 superstition; it is certain that the numbers of
 that sect did not amount to the fortieth part of
 the nation: And the frequent panics, to which
 men, during this period, were so subject on

⁴⁴ It is now known from the Clarendon papers, that
 the king had also an authorized agent who resided at
 Rome. His name was Bret, and his chief business was
 to negotiate with the pope concerning indulgences to the
 catholics, and to engage the catholics in return to be
 good and loyal subjects. But this whole matter, though
 very innocent, was most carefully kept secret. The
 king says, that he believed Bret to be as much his as
 any papist could be. See p. 348. 354.

⁴⁵ Rushworth, vol. v. p. 301.

⁴⁶ Clarendon, vol. i. p. 249. Rushworth, vol. v. p. 57.

account of the catholics, were less the effects of fear, than of extreme rage and aversion entertained against them.

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THE queen mother of France, having been forced into banishment by some court-intrigues, had retired into England; and expected shelter, amidst her present distresses, in the dominions of her daughter and son-in-law. But though she behaved in the most inoffensive manner, she was insulted by the populace on account of her religion; and was even threatened with worse treatment. The earl of Holland, lieutenant of Middlesex, had ordered a hundred musqueteers to guard her; but finding that they had imbibed the same prejudices with the rest of their countrymen, and were unwillingly employed in such a service, he laid the case before the house of peers: For the king's authority was now entirely annihilated. He represented the indignity of the action, that so great a princess, mother to the king of France and to the queens of Spain and England, should be affronted by the multitude. He observed the indelible reproach, which would fall upon the nation, if that unfortunate queen should suffer any violence from the misguided zeal of the people. He urged the sacred rights of hospitality, due to every one, much more to a person in distress, of so high a rank, with whom the nation was so nearly connected. The peers thought proper to communicate the matter to the commons, whose authority over the people was absolute. The commons agreed to the

O H A P. necessity of protecting the queen mother; but
 LIV. at the same time prayed, that she might be
 1640, “ desired to depart the kingdom; For the
 “ quieting those jealousies in the hearts of his
 “ majesty’s well-affected subjects, occasioned by
 “ some ill instruments about that queen’s person,
 “ by the flowing of priests and papists to her
 “ house, and by the use and practice of the
 “ idolatry of the mass, and exercise of other
 “ superstitious services of the Romish church,
 “ to the great scandal of true religion “.”

CHARLES, in the former part of his reign, had endeavoured to overcome the intractable and encroaching spirit of the commons, by a perseverance in his own measures, by a stately dignity of behaviour, and by maintaining, at their utmost height, and even perhaps stretching beyond former precedent, the rights of his prerogative. Finding by experience how unsuccessful those measures had proved, and observing the low condition to which he was now reduced, he resolved to alter his whole conduct, and to regain the confidence of his people, by plianeness, by concessions, and by a total conformity to their inclinations and prejudices. It may safely be averred, that this new extreme, into which the king, for want of proper counsel or support, was fallen, became no less dangerous to the constitution, and pernicious to public peace, than the other, in which he had so long and so unfortunately persevered.

⁴⁷ Rushworth, vol. v. p. 267.

THE pretensions with regard to tonnage and poundage were revived, and with certain assurance of success, by the commons⁴⁸. The levying of these duties; as formerly, without consent of parliament, and even increasing them at pleasure, was such an incongruity in a free constitution, where the people, by their fundamental privileges cannot be taxed but by their own consent, as could no longer be endured by these jealous patrons of liberty. In the preamble, therefore, to the bill, by which the commons granted these duties to the king, they took care, in the strongest and most positive terms, to assert their own right of bestowing this gift, and to divest the crown of all independent title of assuming it. And that they might increase, or rather finally fix, the entire dependence and subjection of the king, they voted these duties only for two months; and afterwards, from time to time, renewed their grant for very short periods⁴⁹. Charles, in order to show that

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and pound
age.

⁴⁸ It appears not, that the commons, though now entirely masters, abolished the new impositions of James, against which they had formerly so loudly complained: A certain proof that the rates of customs, settled by that prince, were in most instances just, and proportioned to the new price of commodities. They seem rather to have been low. See Journ. 10th Aug. 1625.

⁴⁹ It was an instruction given by the house to the committee which framed one of these bills, to take care that the rates upon exportation may be as light as possible; and upon importation as heavy as trade will bear: A proof that the nature of commerce began now to be understood. Journ. 1 June, 1641.

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Triennial
bill.

he entertained no intention ever again to separate himself from his parliament, passed this important bill, without any scruple or hesitation⁵⁰.

WITH regard to the bill for triennial parliaments, he made a little difficulty. By an old statute, passed during the reign of Edward III. it had been enacted, that parliaments should be held once every year, or more frequently, if necessary: But as no provision had been made in case of failure, and no precise method pointed out for execution; this statute had been considered merely as a general declaration, and was dispensed with at pleasure. The defect was supplied by those vigilant patriots, who now assumed the reins of government. It was enacted, that if the chancellor, who was first bound under severe penalties, failed to issue writs by the third of September in every third year, any twelve or more of the peers should be empowered to exert this authority: In default of the peers, that the sheriffs, mayors, bailiffs, &c. should summon the voters: And in their default, that the voters themselves should meet and proceed to the election of members, in the same manner as if writs had been regularly issued from the crown. Nor could the parliament, after it was assembled, be adjourned, prorogued, or dissolved, without their own consent, during the space of fifty days. By this bill, some of the noblest and most valuable prerogatives of the crown were retrenched; but

⁵⁰ Clarendon, vol. i. p. 208.

at the same time, nothing could be more necessary than such a statute, for completing a regular plan of law and liberty. A great reluctance to assemble parliaments must be expected in the king; where these assemblies, as of late, establish it as a maxim, to carry their scrutiny into every part of government. During long intermissions of parliament, grievances and abuses, as was found by recent experience, would naturally creep in; and it would even become necessary for the king and council to exert a great discretionary authority, and, by acts of state, to supply, in every emergency, the legislative power, whose meeting was so uncertain and precarious. Charles, finding that nothing less would satisfy his parliament and people, at last gave his assent to this bill, which produced so great an innovation in the constitution⁵¹. Solemn thanks were presented him by both houses. Great rejoicings were expressed both in the city and throughout the nation. And mighty professions were every-where made of gratitude and mutual returns of supply and confidence. This concession of the king, it must be owned, was not entirely voluntary: It was of a nature too important to be voluntary. The sole inference, which his partisans were entitled to draw from the submissions so frankly made to present necessity, was, that he had certainly adopted a new plan of government, and for the

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⁵¹ Clarendon, vol. i. p. 209. Whitlocke, p. 39.
Rushworth, vol. v. p. 189.

C H A P. future, was resolved, by every indulgence, to
 LIV. acquire the confidence and affections of his
 1640. people.

CHARLES thought, that what concessions were made to the public were of little consequence, if no gratifications were bestowed on individuals, who had acquired the direction of public counsels and determinations. A change of ministers, as well as of measures, was therefore resolved on. In one day several new privy-counsellors were sworn; the earls of Hertford, Bedford, Essex, Bristol; the lords Say, Saville, Kimbolton: Within a few days after, was admitted the earl of Warwick⁵². All these noblemen were of the popular party; and some of them afterwards, when matters were pushed to extremities by the commons, proved the greatest support of monarchy.

JUXON, bishop of London, who had never desired the treasurer's staff, now earnestly solicited for leave to resign it, and retire to the care of that turbulent diocese, committed to him. The king gave his consent; and it is remarkable, that, during all the severe inquiries carried on against the conduct of ministers and prelates, the mild and prudent virtues of this man, who bore both these invidious characters, remained unmolested⁵³. It was intended, that Bedford, a popular man, of great authority, as well as wisdom and moderation, should succeed Juxon: But that

⁵² Clarendon, vol. i. p. 195.

⁵³ Warwick, p. 95.

nobleman, unfortunately both for king and people, died about this very time. By some promotions, place was made for St. John, who was created solicitor general. Hollis was to be made secretary of state, in the room of Windebank, who had fled: Pym, chancellor of the exchequer, in the room of lord Cottington, who had resigned: Lord Say, master of the wards, in the room of the same nobleman: The earl of Essex, governor; and Hambden, tutor to the prince⁵⁴.

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WHAT retarded the execution of these projected changes, was the difficulty of satisfying all those, who from their activity and authority in parliament, had pretensions for offices, and who still had it in their power to embarrass and distress the public measures. Their associates too in popularity, whom the king intended to distinguish by his favor, were unwilling to undergo the reproach of having driven a separate bargain, and of sacrificing, to their own ambitious views, the cause of the nation. And as they were sensible that they must owe their preferment entirely to their weight and consideration in parliament, they were most of them resolved still to adhere to that assembly, and both to promote its authority, and to preserve their own credit in it. On all occasions, they had no other advice to give the king, than to allow himself to be directed by his great council; or, in other words, to resign himself passively to their guidance and

⁵⁴ Clarendon, vol. i. p. 210, 211.

C H A P. government. And Charles found, that, instead
 LIV. of acquiring friends by the honors and offices
 1640. which he should bestow, he should only arm
 his enemies with more power to hurt him.

THE end, on which the king was most intent
 in changing ministers, was, to save the life of
 the earl of Strafford, and to mollify, by these
 indulgences, the rage of his most furious profe-
 cutors. But so high was that nobleman's reputa-
 tion for experience and capacity, that all the
 new counsellors and intended ministers plainly
 saw, that, if he escaped their vengeance, he must
 return into favor and authority; and they regard-
 ed his death as the only security which they
 could have, both for the establishment of their
 present power, and for success in their future
 enterprises. His impeachment, therefore, was
 pushed on with the utmost vigor; and, after long
 and solemn preparations, was brought to a final
 issue.

Strafford's
 trial.

IMMEDIATELY after Strafford was sequestered
 from parliament, and confined in the Tower, a
 committee of thirteen was chosen by the lower
 house, and intrusted with the office of preparing
 a charge against him. These, joined to a small
 committee of lords, were vested with authority
 to examine all witnesses, to call for every paper,
 and to use any means of scrutiny, with regard
 to any part of the earl's behaviour and conduct⁵⁵.
 After so general and unbounded an inquisition,

⁵⁵ Clarendon, vol. i. p. 192.

exercised by such powerful and implacable enemies; a man must have been very cautious or very innocent, not to afford, during the whole course of his life, some matter of accusation against him.

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THIS committee, by direction from both houses, took an oath of secrecy; a practice very unusual, and which gave them the appearance of conspirators, more than ministers of justice⁵⁶. But the intention of this strictness was to render it more difficult for the earl to elude their search, or prepare for his justification.

APPLICATION was made to the king, that he would allow this committee to examine privy-counsellors with regard to opinions delivered at the board: A concession which Charles unwarily made, and which thenceforth banished all mutual confidence from the deliberations of council; where every man is supposed to have entire freedom, without fear of future punishment or inquiry, of proposing any expedient, questioning any opinion, or supporting any argument⁵⁷.

SIR George Ratcliffe, the earl's intimate friend and confident, was accused of high treason, sent for from Ireland, and committed to close custody. As no charge ever appeared or was prosecuted against him, it is impossible to give a more charitable interpretation to this measure, than that the commons thereby intended to deprive Strafford, in his present distress, of the assistance of

⁵⁶ Whitlocke, p. 37.

⁵⁷ Clarendon, vol. i. p. 193.

C H A P. his best friend, who was most enabled, by his
LIV. testimony, to justify the innocence of his patron's
conduct and behaviour ⁵⁸.

WHEN intelligence arrived in Ireland of the plans laid for Strafford's ruin, the Irish house of commons, though they had very lately bestowed ample praises on his administration, entered into all the violent counsels against him, and prepared a representation of the miserable state, into which, by his misconduct, they supposed the kingdom to be fallen. They sent over a committee to London, to assist in the prosecution of their unfortunate governor; and by intimations from this committee, who entered into close confederacy with the popular leaders in England, was every measure of the Irish parliament governed and directed. Impeachments, which were never prosecuted, were carried up against Sir Richard Bolton, the chancellor, Sir Gerard Louth, chief justice, and Bramhall, bishop of Derry ⁵⁹. This step, which was an exact counterpart to the proceedings in England, served also the same purposes: It deprived the king of the ministers whom he most trusted; it discouraged and terrified all the other ministers; and it prevented those persons, who were best acquainted with Strafford's counsels, from giving evidence in his favor before the English parliament.

1641. THE bishops, being forbidden by the ancient canons to assist in trials for life, and being un-

⁵⁸ Clarendon, vol. i. p. 214.

⁵⁹ Rushworth, vol. v. p. 214.

willing, by any opposition, to irritate the commons, who were already much prejudiced against them, thought proper, of themselves, to withdraw ⁶⁰. The commons also voted, that the new-created peers ought to have no voice in this trial; because the accusation being agreed to, while they were commoners, their consent to it was implied with that of all the commons of England. Notwithstanding this decision, which was meant only to deprive Strafford, of so many friends, lord Seymour, and some others, still continued to keep their seat; nor was their right to it any farther questioned ⁶¹.

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To bestow the greater solemnity on this important trial, scaffolds were erected in Westminster-hall; where both houses sat, the one as accusers, the other as judges. Besides the chair of state, a close gallery was prepared for the king and queen, who attended during the whole trial ⁶².

AN accusation, carried on by the united effort of three kingdoms, against one man, unprotected by power, unassisted by council, discountenanced by authority, was likely to prove a very unequal contest: Yet such were the capacity, genius, presence of mind, displayed by this magnanimous statesman, that, while argument and reason and law had any place, he obtained an undisputed victory. And he perished at last, overwhelmed and still unsubdued, by the open violence of his fierce and unrelenting antagonists.

⁶⁰ Clarendon, vol. i. p. 216.

⁶¹ Idem, ibid.

⁶² Whitlocke, p. 40. Rush. vol. iv. p. 41. May, p. 90.

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THE articles of impeachment against Strafford are twenty-eight in number; and regard his conduct, as president of the council of York, as deputy or lieutenant of Ireland, and as counsellor or commander in England. But though four months were employed by the managers in framing the accusation, and all Strafford's answers were extemporary; it appears from comparison, not only that he was free from the crime of treason, of which there is not the least appearance, but that his conduct, making allowance for human infirmities, exposed to such severe scrutiny, was innocent, and even laudable.

THE powers of the northern council, while he was president, had been extended, by the king's instructions, beyond what formerly had been practised: But that court being, at first, instituted by a stretch of royal prerogative, it had been usual for the prince to vary his instruction; and the largest authority, committed to it, was altogether as legal as the most moderate and most limited. Nor was it reasonable to conclude, that Strafford had used any art to procure those extensive powers; since he never once sat as president, or exercised one act of jurisdiction, after he was invested with the authority so much complained of⁶³.

IN the government of Ireland, his administration had been equally promotive of his master's interest, and that of the subjects committed to

⁶³ Rushworth, vol. iv. p. 145.

his

his care. A large debt he had paid off : He had left a considerable sum in the exchequer : The revenue, which never before answered the charges of government, was now raised to be equal to them ⁶⁴. A small standing army, formerly kept in no order, was augmented, and was governed by exact discipline : And a great force was there raised and paid, for the support of the king's authority against the Scottish covenanters.

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INDUSTRY, and all the arts of peace, were introduced among that rude people : The shipping of the kingdom augmented a hundred fold ⁶⁵ : The customs tripled upon the same rates ⁶⁶ : The exports double in value to the imports : Manufactures, particularly that of linen, introduced and promoted ⁶⁷. Agriculture, by means of the English and Scottish plantations, gradually advancing : The protestant religion encouraged, without the persecution or discontent of the catholics.

THE springs of authority he had enforced without overstraining them. Discretionary acts of jurisdiction, indeed, he had often exerted, by holding courts-martial, billeting soldiers, deciding causes upon paper-petitions before the council, issuing proclamations, and punishing their infraction. But discretionary authority, during that age, was usually exercised even in England. In

⁶⁴ Rushworth, vol. iv. p. 120. 247. Warwick, p. 115.

⁶⁵ Nelson, vol. ii. p. 45.

⁶⁶ Rushworth, vol. iv. p. 124. ⁶⁷ Warwick, p. 115.

C H A P. Ireland, it was still more requisite, among a rude
 LIV. people, not yet thoroughly subdued, averse to
 1641. the religion and manners of their conquerors,
 ready on all occasions to relapse into rebellion
 and disorder. While the managers of the com-
 mons demanded, every moment, that the deputy's
 conduct should be examined by the line of rigid
 law and severe principles; he appealed still to
 the practice of all former deputies, and to the
 uncontrollable necessity of his situation.

So great was his art of managing elections,
 and balancing parties, that he had engaged the
 Irish parliament to vote whatever was necessary,
 both for the payment of former debts, and for
 support of the new-levied army; nor had he ever
 been reduced to the illegal expedients practised
 in England, for the supply of public necessities.
 No imputation of rapacity could justly lie against
 his administration. Some instances of imperious
 expressions and even actions may be met with.
 The case of lord Mountnorris, of all those which
 were collected with so much industry, is the most
 flagrant and the least excusable.

It had been reported at the table of lord
 chancellor Loftus, that Annesley, one of the
 deputy's attendants, in moving a stool, had
 sorely hurt his master's foot, who was at that
 time afflicted with the gout. *Perhaps*, said Mount-
 norris, who was present at table, *it was done in*
revenge of that public affront which my lord deputy
formerly put upon him: BUT HE HAS A BROTHER,
 WHO WOULD NOT HAVE TAKEN SUCH A RE-

VENGE. This casual, and seemingly innocent, at least ambiguous, expression, was reported to Strafford; who, on pretence that such a suggestion might prompt Annesley to avenge himself in another manner, ordered Mountnorris, who was an officer, to be tried by a court-martial for mutiny and sedition against his general. The court, which consisted of the chief officers of the army, found the crime to be capital and condemned that nobleman to lose his head⁶⁸.

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IN vain did Strafford plead in his own defence against this article of impeachment, that the sentence of Mountnorris was the deed, and that too unanimous, of the court, not the act of the deputy; that he spake not to a member of the court, nor voted in the cause, but sat uncovered as a party, and then immediately withdrew, to leave them to their freedom; that sensible of the iniquity of the sentence, he procured his majesty's free pardon to Mountnorris; and that he did not even keep that nobleman a moment in suspense with regard to his fate, but instantly told him, that he himself would sooner lose his right hand than execute such a sentence, nor was his lordship's life in any danger. In vain did Strafford's friends add, as a further apology, that Mountnorris was a man of an infamous character, who paid court, by the lowest adulation, to all deputies, while present; and blackened their character, by the vilest calumnies,

⁶⁸ Rushworth, vol. iv. p. 187.

C H A P. when recalled : And that Strafford, expecting
 LIV. like treatment, had used this expedient for no
 1641. other purpose than to subdue the petulant spirit
 of the man. These excuses alleviate the guilt; but
 there still remains enough to prove, that the
 mind of the deputy, though great and firm, had
 been not a little debauched by the riot of absolute
 power and uncontrouled authority.

WHEN Strafford was called over to England, he found every thing falling into such confusion, by the open rebellion of the Scots, and the secret discontents of the English, that, if he had counselled or executed any violent measure, he might perhaps have been able to apologize for his conduct, from the great law of necessity, which admits not, while the necessity is extreme, of any scruple, ceremony, or delay⁶⁹. But in fact, no illegal advice or action was proved against him; and the whole amount of his guilt, during this period, was some peevish, or at most imperious expressions, which, amidst such desperate extremities, and during a bad state of health, had unhappily fallen from him.

IF Strafford's apology was, in the main, so satisfactory, when he pleaded to each particular article of the charge, his victory was still more decisive, when he brought the whole together, and repelled the imputation of treason; the crime which the commons would infer from the full view of his conduct and behaviour. Of all species

⁶⁹ Rushworth, vol. iv. p. 559.

of guilt, the law of England had, with the most scrupulous exactness, defined that of treason; because on that side it was found most necessary to protect the subject against the violence of the king and of his ministers. In the famous statute of Edward III. all the kinds of treason are enumerated, and every other crime, besides such as are there expressly mentioned, is carefully excluded from that appellation. But with regard to this guilt, *An endeavour to subvert the fundamental laws*, the statute of treasons is totally silent: And arbitrarily to introduce it into the fatal catalogue, is itself a subversion of all law; and, under color of defending liberty, reverses a statute the best calculated for the security of liberty, that had ever been enacted by an English parliament.

As this species of treason, discovered by the commons, is entirely new and unknown to the laws; so is the species of proof, by which they pretend to fix that guilt upon the prisoner. They have invented a kind of *accumulative* or *constructive* evidence, by which many actions either totally innocent in themselves, or criminal in a much inferior degree, shall, when united, amount to treason, and subject the person to the highest penalties inflicted by the law. A hasty and unguarded word, a rash and passionate action, assisted by the malevolent fancy of the accuser, and tortured by doubtful constructions, is transmuted into the deepest guilt; and the lives and fortunes of the whole nation, no longer pro-

C H A P. tected by justice , are subjected to arbitrary will
LIV. and pleasure.

1641. “ WHERE has this species of guilt lain so long
“ concealed ?” said Strafford in conclusion :
“ Where has this fire been so long buried , during
“ so many centuries , that no smoke should appear,
“ till it burst out at once , to consume me and
“ my children ? Better it were to live under no
“ law at all , and by the maxims of cautious
“ prudence , to conform ourselves the best we
“ can, to the arbitrary will of a master ; than fancy
“ we have a law on which we can rely , and find
“ at last , that this law shall inflict a punishment
“ precedent to the promulgation , and try us by
“ maxims unheard of till the very moment of the
“ prosecution. If I fail on the Thames , and
“ split my vessel on an anchor ; in case there be
“ no buoy to give warning , the party shall pay
“ me damages : But , if the anchor be marked
“ out , then is the striking on it at my own
“ peril. Where is the mark set upon this crime ?
“ Where the token by which I should discover
“ it ? It has lain concealed under water ; and
“ no human prudence , no human innocence,
“ could save me from the destruction, with which
“ I am at present threatened.

“ IT is now full two hundred and forty years
“ since treasons were defined ; and so long has it
“ been since any man was touched to this extent,
“ upon this crime, before myself. We have lived,
“ my lords , happily to ourselves at home : We
“ have lived gloriously abroad to the world :

“ Let us be content with what our fathers have
 “ left us : Let not our ambition carry us to be
 “ more learned than they were, in these killing
 “ and destructive arts. Great wisdom it will be
 “ in your lordships, and just providence, for
 “ yourselves, for your posterities, for the whole
 “ kingdom, to cast from you, into the fire,
 “ these bloody and mysterious volumes of arbitrary
 “ and constructive treasons, as the primitive
 “ christians did their books of curious arts, and
 “ betake yourselves to the plain letter of the
 “ statute, which tells you where the crime is,
 “ and points out to you the path by which you
 “ may avoid it.

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“ LET us not, to our own destruction, awake
 “ those sleeping lions, by rattling up a company
 “ of old records, which have lain for so many
 “ ages, by the wall, forgotten and neglected.
 “ To all my afflictions, add not this, my lords,
 “ the most severe of any ; that I, for my other
 “ sins, not for my treasons, be the means of
 “ introducing a precedent, so pernicious to the
 “ laws and liberties of my native country.

“ HOWEVER these gentlemen at the bar say
 “ they speak for the commonwealth ; and they
 “ believe so : Yet, under favor, it is I who,
 “ in this particular, speak for the commonwealth.
 “ Precedents, like those which are endeavoured
 “ to be established against me, must draw along
 “ such inconveniences and miseries, that, in a
 “ few years, the kingdom will be in the con-
 “ dition expressed in a statute of Henry IV ; and

C H A P. " no man shall know by what rule to govern his
LIV. " words and actions.

1641. " IMPOSE not, my lords, difficulties insur-
mountable upon ministers of state, nor disable
them from serving with chearfulness their king
and country. If you examine them, and under
such severe penalties, by every grain, by every
little weight; the scrutiny will be intolerable.
The public affairs of the kingdom must be
left waste; and no wise man, who has any
honor or fortune to lose, will ever engage
himself in such dreadful, such unknown perils.
My lords, I have now troubled your lordships
a great deal longer than I should have done.
Were it not for the interest of these pledges,
which a faint in heaven left me, I should be
loth" — Here he pointed to his children, and
his weeping stopped him. — "What I forfeit for
myself, it is nothing: But, I confess, that
my indiscretion should forfeit for them, it
wounds me very deeply. You will be pleased
to pardon my infirmity: Something I should
have said; but I see I shall not be able, and
therefore I shall leave it.

" AND now, my lords, I thank God, I have
been, by his blessing, sufficiently instructed in
the extreme vanity of all temporary enjoyments,
compared to the importance of our eternal
duration. And so, my lords, even so, with
all humility, and with all tranquillity of mind,
I submit, clearly and freely, to your judgments:
And whether that righteous doom shall be to

“ life or death, I shall repose myself, full of
 “ gratitude and confidence, in the arms of the
 “ great Author of my existence ⁷⁰.”

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CERTAINLY, say Whitlocke ⁷¹ with his usual candor, *never any man acted such a part, on such a theatre, with more wisdom, constancy, and eloquence, with greater reason, judgment, and temper, and with a better grace in all his words and actions, than did this great and excellent person; and he moved the hearts of all his auditors, some few excepted, to remorse and pity.* It is remarkable, that the historian, who expresses himself in these terms, was himself chairman of that committee, which conducted the impeachment against this unfortunate statesman. The accusation and defence lasted eighteen days. The managers divided the several articles among them, and attacked the prisoner with all the weight of authority, with all the vehemence of rhetoric, with all the accuracy of long preparation. Strafford was obliged to speak with deference and reserve towards his most inveterate enemies, the commons, the Scottish nation, and the Irish parliament. He took only a very short time, on each article, to recollect himself: Yet he alone, without assistance, mixing modesty and humility with firmness and vigor, made such a defence that the commons saw it impossible, by a legal prosecution, ever to obtain a sentence against him.

BUT the death of Strafford was too important a

⁷⁰ Rushworth, vol. iv. p. 659, &c.

⁷¹ Page 41.

C H A P. stroke of party to be left unattempted by any expedient, however extraordinary. Besides the great genius and authority of that minister, he had threatened some of the popular leaders with an impeachment; and, had he not, himself, been suddenly prevented by the impeachment of the commons, he had, that very day, it was thought, charged Pym, Hambden, and others, with treason, for having invited the Scots to invade England. A bill of attainder was therefore brought into the lower house immediately after finishing these pleadings; and preparatory to it, a new proof of the earl's guilt was produced, in order to remove such scruples as might be entertained with regard to a method of proceeding so unusual and irregular.

SIR Henry Vane, secretary, had taken some notes of a debate in council, after the dissolution of the last parliament; and being at a distance, he had sent the keys of his cabinet, as was pretended, to his son, Sir Henry, in order to search for some papers, which were necessary for completing a marriage-settlement. Young Vane, falling upon this paper of notes, deemed the matter of the utmost importance; and immediately communicated it to Pym, who now produced the paper before the house of commons. The question before the council was: *Offensive or defensive war with the Scots.* The king proposes this difficulty, "But how can I undertake offensive war, if I have no more money?" The answer ascribed to Strafford was in these words:

“ Borrow of the city a hundred thousand pounds: C H A R.
 “ Go on vigorously to levy ship-money. Your LIV.
 “ majesty having tried the affections of your 1641.
 “ people, you are absolved and loose from all
 “ rules of government, and may do what power
 “ will admit. Your majesty, having tried all
 “ ways, shall be acquitted before God and man.
 “ And you have an army in Ireland, which you
 “ may employ to reduce THIS kingdom to obe-
 “ dience: For I am confident the Scots cannot
 “ hold out five months.” There followed some
 counsels of Laud and Cottington equally violent,
 with regard to the king’s being absolved from all
 rules of government⁷².

THIS paper, with all the circumstances of its
 discovery and communication, was pretended to
 be equivalent to two witnesses, and to be an
 unanswerable proof of those pernicious counsels
 of Strafford, which tended to the subversion of
 the laws and constitution. It was replied by
 Strafford and his friends: That old Vane was his
 most inveterate and declared enemy; and if the
 secretary himself, as was by far most probable,
 had willingly delivered to his son this paper of
 notes, to be communicated to Pym, this implied
 such a breach of oaths and of trust as rendered
 him totally unworthy of all credit. That the
 secretary’s deposition was at first exceedingly
 dubious: Upon two examinations, he could

⁷² Clarendon, vol. i. p. 223, 229, 230, &c. Whitlocke,
 p. 41. May, p. 93.

C H A P. not remember any such words : Even the third
 LIV. time, his testimony was not positive, but im-
 1641. ported only, that Strafford had spoken such or
 such-like words : And words may be very like
 in sound, and differ much in sense ; nor ought
 the lives of men to depend upon grammatical
 criticisms of any expressions, much less of those
 which had been delivered by the speaker with-
 out premeditation, and committed by the hearer,
 for any time, however short, to the uncertain
 record of memory. That, in the present case,
 changing *This kingdom* into *That kingdom*, a very
 slight alteration ! the earl's discourse could regard
 nothing but Scotland, and implies no advice
 unworthy of an English counsellor. That even
 retaining the expression, *This kingdom*, the words
 may fairly be understood of Scotland, which
 alone was the kingdom that the debate regarded,
 and which alone had thrown off allegiance, and
 could be reduced to obedience. That it could
 be proved, as well by the evidence of all the
 king's ministers, as by the known disposition of
 the forces, that the intention never was to land
 the Irish army in England, but in Scotland. That
 of six other counsellors present, Laud and Winde-
 bank could give no evidence ; Northumberland,
 Hamilton, Cottington, and Juxon, could recol-
 lect no such expression ; and the advice was too
 remarkable to be easily forgotten. That it was
 nowise probable such a desperate counsel would
 be openly delivered at the board, and before
 Northumberland, a person of that high rank, and

whose attachments to the court were so much weaker than his connexions with the country. That though Northumberland, and he alone, had recollected some such expression, as that *Of being absolved from rules of government*; yet, in such desperate extremities as those into which the king and kingdom were then fallen, a maxim of that nature, allowing it to be delivered by Strafford, may be defended, upon principles the most favorable to law and liberty. And that nothing could be more iniquitous, than to extract an accusation of treason from an opinion simply proposed at the council-table; where all freedom of debate ought to be permitted, and where it was not unusual for the members, in order to draw forth the sentiments of others, to propose counsels very remote from their own secret advice and judgment⁷³.

THE evidence of Secretary Vane, though exposed to such unfurmountable objections, was the real cause of Strafford's unhappy fate; and made the bill of attainder pass the commons with no greater opposition than that of fifty-nine dissenting votes. But there remained two other branches of the legislature, the king and the lords, whose assent was requisite; and these, if left to their free judgment, it was easily foreseen, would reject the bill without scruple or deliberation. To overcome this difficulty, the popular leaders employed expedients, for which they were

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Bill of at-
tainer.

⁷³ Rushworth, vol. iv. p. 560.

C H A P. beholden, partly to their own industry, partly
LIV. to the indiscretion of their adversaries.

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NEXT Sunday after the bill passed the commons, the puritanical pulpits resounded with declamations concerning the necessity of executing justice upon great delinquents⁷⁴. The populace took the alarm. About six thousand men, armed with swords and cudgels, flocked from the city, and surrounded the houses of parliament⁷⁵. The names of the fifty-nine commoners, who had voted against the bill of attainder, were posted up under the title of *Straffordians*, and *betrayers of their country*. These were exposed to all the insults of the ungovernable multitude. When any of the lords passed, the cry for *Justice* against Strafford resounded in their ears: And such as were suspected of friendship to that obnoxious minister, were sure to meet with menaces, not unaccompanied with symptoms of the most desperate resolutions in the furious populace⁷⁶.

COMPLAINTS in the house of commons being made against these violences as the most flagrant breach of privilege, the ruling members, by their affected coolness and indifference, showed plainly, that the popular tumults were not disagreeable to them⁷⁷. But a new discovery, made about this time, served to throw every thing into still greater flame and combustion.

⁷⁴ Whitlocke, p. 43. ⁷⁵ Idem, ibid.

⁷⁶ Clarendon, vol. i. p. 232. 256. Rushworth, vol. v. p. 248. 1279. ⁷⁷ Whitlocke, ut supra.

SOME principal officers, Piercy, Jermyn, O'Neale, Goring, Wilmot, Pollard, Ashburnham, partly attached to the court, partly disgusted with the parliament, had formed a plan of engaging into the king's service the English army, whom they observed to be displeased at some marks of preference given by the commons to the Scots. For this purpose, they entered into an association, took an oath of secrecy, and kept a close correspondence with some of the king's servants. The form of a petition to the king and parliament was concerted; and it was intended to get this petition subscribed by the army. The petitioners there represent the great and unexampled concessions made by the king for the security of public peace and liberty; the endless demands of certain insatiable and turbulent spirits, whom nothing less will content than a total subversion of the ancient constitution; the frequent tumults which these factious malecontents had excited, and which endangered the liberty of parliament. To prevent these mischiefs, the army offered to come up and guard that assembly. "So shall the nation," as they express themselves in the conclusion, "not only be vindicated from preceding innovations, but be secured from the future, which are threatened, and which are likely to produce more dangerous effects than the former⁷⁸." The draught of this petition being conveyed to the king, he was

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⁷⁸ Clarendon, vol. i. p. 247. Whitlocke, p. 43.

C H A P. prevailed on, somewhat imprudently, to counter-
 LIV. sign it himself as a mark of his approbation. But
 1641. as several difficulties occurred, the project was
 laid aside two months before any public discovery
 was made of it.

It was Goring who betrayed the secret to the popular leaders. The alarm may easily be imagined, which this intelligence conveyed. Petitions from the military to the civil power are always looked on as disguised, or rather undisguised commands; and are of a nature widely different from petitions presented by any other rank of men. Pym opened the matter in the house⁷⁹. On the first intimation of a discovery, Piercy concealed himself, and Jermyn withdrew beyond sea. This farther confirmed the suspicion of a dangerous conspiracy. Goring delivered his evidence before the house: Piercy wrote a letter to his brother, Northumberland, confessing most of the particulars⁸⁰. Both their testimonies agree with regard to the oath of secrecy; and as this circumstance had been denied by Pollard, Ashburnham, and Wilmot, in all their examinations, it was regarded as a new proof of some desperate resolutions, which had been taken.

To convey more quickly the terror and indignation at this plot, the commons voted, that a protestation should be signed by all the members. It was sent up to the lords, and signed by all of them, except Southampton and Robarts.

⁷⁹ Rushworth, vol. v. p. 240. ⁸⁰ Idem, ibid. p. 255.
 Orders

Orders were given by the commons alone, without other authority, that it should be subscribed by the whole nation. The protestation was in itself very inoffensive, even insignificant; and contained nothing but general declarations, that the subscribers would defend their religion and liberties ⁸¹. But it tended to increase the popular panic, and intimated, what was more expressly declared in the preamble, that these blessings were now exposed to the utmost peril.

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LIV.
1641.

ALARMS were every day given of new conspiracies ⁸²: In Lancashire, great multitudes of papists were assembling: Secret meetings were held by them in caves and under ground in Surrey: They had entered into a plot to blow up the river with gun-powder, in order to drown the city ⁸³: Provisions of arms were making beyond sea: Sometimes France, sometimes Denmark, was forming designs against the kingdom: And the populace, who are always terrified with present, and enraged with distant dangers, were still farther animated in their demands of justice against the unfortunate Strafford.

THE king came to the house of lords: And though he expressed his resolution, for which he offered them any security, never again to employ Strafford in any branch of public business; he professed himself totally dissatisfied with regard

⁸¹ Clarendon, vol. i. p. 252. Rush. vol. v. p. 241. Warwick, p. 180. ⁸² Dugdale, p. 69. Franklyn, p. 901.

⁸³ Sir Edw. Walker, p. 349.

C H A P. to the circumstance of treason , and on that
 LIV. account declared his difficulty in giving his assent
 1641. to the bill of attainder ⁸⁴. The commons took
 fire , and voted it a breach of privilege for the
 king to take notice of any bill depending before
 the houses. Charles did not perceive that his
 attachment to Strafford was the chief motive for
 the bill ; and that , the greater proofs he gave of
 anxious concern for this minister , the more
 inevitable did he render his destruction.

ABOUT eighty peers had constantly attended
 Strafford's trial ; but such apprehensions were
 entertained on account of the popular tumults ,
 that only forty-five were present when the bill
 of attainder was brought into the house. Yet of
 these , nineteen had the courage to vote against
 it ⁸⁵. A certain proof , that , if entire freedom
 had been allowed , the bill had been rejected by
 a great majority.

IN carrying up the bill to the lords , St. John ,
 the solicitor-general , advanced two topics , well
 suited to the fury of the times ; that , though the
 testimony against Strafford were not clear , yet ,
 in this way of bill , private satisfaction to each
 man's conscience was sufficient , even should no
 evidence at all be produced ; and that the earl
 had no title to plead law , because he had broken
 the law. It is true , added he , we give law to
 hares and deer ; for they are beasts of chase. But
 it was never accounted either cruel or unfair to

⁸⁴ Rushworth , vol. v. p. 239.

⁸⁵ Whitlocke , p. 43.

destroy foxes or wolves, where - ever they can be found ; for they are beasts of prey ⁸⁶.

C H A P.
LIV.

1641.

AFTER popular violence had prevailed over the lords, the same battery was next applied to force the king's assent. The populace flocked about Whitehall, and accompanied their demand of justice with the loudest clamors and most open menaces. Rumors of conspiracies against the parliament were a-new spread abroad: Invasions and insurrections talked of: And the whole nation was raised into such a ferment, as threatened some great and imminent convulsion. On which - ever side the king cast his eyes, he saw no resource or security. All his servants, consulting their own safety, rather than their master's honor, declined interposing with their advice between him and his parliament. The queen terrified with the appearance of so mighty a danger, and bearing formerly no good will to Strafford, was in tears, and pressed him to satisfy his people in this demand, which, it was hoped, would finally content them. Juxon alone, whose courage was not inferior to his other virtues, ventured to advise him, if, in his conscience, he did not approve of the bill, by no means to assent to it ⁸⁷.

STRAFFORD, hearing of Charles's irresolution and anxiety, took a very extraordinary step: He wrote a letter, in which he entreated the king, for the sake of public peace, to put an

⁸⁶ Clarendon, vol. i. p. 232.

⁸⁷ Ibid. p. 257. Warwick, p. 160.

C H A P. end to his unfortunate, however innocent, life,
 LIV. and to quiet the tumultuous people by granting
 1641. them the request, for which they were so im-
 portunate⁸⁸. "In this," added he, "my consent
 " will more acquit you to God than all the world
 " can do besides. To a willing man there is no
 " injury. And as, by God's grace, I forgive all
 " the world with a calmness and meekness, of
 " infinite contentment to my dislodging soul;
 " so, Sir, to you, I can resign the life of this
 " world with all imaginable cheerfulness, in the
 " just acknowledgment of your exceeding fa-
 " vors." Perhaps, Strafford hoped, that this
 unusual instance of generosity would engage the
 king still more strenuously to protect him: Per-
 haps he gave his life for lost; and finding himself
 in the hands of his enemies, and observing that
 Balfour, the lieutenant of the Tower, was de-
 voted to the popular party⁸⁹; he absolutely
 despaired of ever escaping the multiplied dangers,
 with which he was every way environed. We
 might ascribe this step to a noble effort of
 disinterestedness, not unworthy the great mind
 of Strafford; if the measure which he advised had
 not been, in the event, as pernicious to his
 master, as it was immediately fatal to himself⁹⁰.

AFTER the most violent anxiety and doubt,
 Charles at last granted a commission to four no-

⁸⁸ Clarendon, vol. i. p. 258. Rush. vol. v. p. 251.

⁸⁹ Whitlocke, p. 44. Franklyn, p. 896.

⁹⁰ See note [C] at the end of the volume.

blemen to give the royal assent, in his name, to the bill: Flattering himself, probably, in this extremity of distress, that, as neither his will consented to the deed, nor was his hand immediately engaged in it, he was the more free from all the guilt which attended it. These commissioners he empowered, at the same time, to give his assent to the bill which rendered the parliament perpetual.

C H A P.

LIV.

1641.

THE commons, from policy, rather than necessity, had embraced the expedient of paying the two armies by borrowing money from the city; and these loans they had repaid afterwards by taxes levied upon the people. The citizens, either of themselves or by suggestion, began to start difficulties; with regard to a farther loan which was demanded. We make no scruple of trusting the parliament, said they, were we certain, that the parliament were to continue till our repayment. But, in the present precarious situation of affairs, what security can be given us for our money? In pretence of obviating this objection, a bill was suddenly brought into the house, and passed with great unanimity and rapidity, that the parliament should not be dissolved, prorogued, or adjourned, without their own consent. It was hurried in like manner through the house of peers; and was instantly carried to the king for his assent. Charles, in the agony of grief, shame, and remorse, for Strafford's doom, perceived not that this other bill was of still more fatal consequence to his

U H A P. authority; and rendered the power of his enemies
 LIV. perpetual, as it was already uncontrollable⁹¹.
 641. In comparison of the bill of attainder, by which
 he deemed himself an accomplice in his friend's
 murder, this concession made no figure in his
 eyes⁹²: A circumstance, which, if it lessen our
 idea of his resolution or penetration, serves to
 prove the integrity of his heart, and the goodness
 of his disposition. It is indeed certain, that strong
 compunction for his consent to Strafford's execu-
 tion attended this unfortunate prince during the
 remainder of his life: and even at his own fatal
 end, the memory of this guilt, with great sorrow
 and remorse, recurred upon him. All men were
 so sensible of the extreme violence which was
 done him, that he suffered the less, both in
 character and interest, from this unhappy measure;
 and though he abandoned his best friend, yet
 was he still able to preserve, in some degree, the
 attachment of all his adherents.

SECRETARY Carleton was sent by the king to
 inform Strafford of the final resolution, which
 necessity had extorted from him. The earl seemed
 surprised, and, starting up, exclaimed in the
 words of Scripture, *Put not your trust in princes,*
nor in the sons of men: For in them there is no sal-
*vation*⁹³. He was soon able, however, to collect
 his courage; and he prepared himself to suffer the

⁹¹ Clarendon, vol. i. p. 261, 262. Rushworth, vol. v.
 p. 246.

⁹² See note [D] at the end of the volume.

⁹³ Whitlocke, p. 44.

fatal sentence. Only three days interval was allowed him. The king, who made a new effort in his behalf, and sent, by the hands of the young prince, a letter addressed to the peers, in which he entreated them to confer with the commons about a mitigation of Strafford's sentence, and begged at least for some delay, was refused in both requests ⁹⁴.

C H A P.
LIV.
1641.

STRAFFORD, in passing from his apartment to Towerhill, where the scaffold was erected, stopped under Laud's windows, with whom he had long lived in intimate friendship; and entreated the assistance of his prayers, in those awful moments which were approaching: The aged primate dissolved in tears; and having pronounced, with a broken voice, a tender blessing on his departing friend, sunk into the arms of his attendants ⁹⁵. Strafford, still superior to his fate, moved on with an elated countenance, and with an air even of greater dignity than what usually attended him. He wanted that consolation, which commonly supports those who perish by the stroke of injustice and oppression: He was not buoyed up by glory, nor by the affectionate compassion of the spectators: Yet his mind, erect and undaunted, found resources within itself, and maintained its unbroken resolution, amidst the terrors of death, and the triumphant exultations of his misguided enemies. His discourse on

Execution
of Strafford.

⁹⁴ Rush. vol. v. p. 265.

⁹⁵ Nelson, vol. ii. p. 198.

C H A P. the scaffold was full of decency and courage.
 LIV. "He feared," he said, "that the omen was bad
 1641. "for the intended reformation of the state, that
 "it commenced with the shedding of innocent
 "blood." Having bid a last adieu to his brother
 and friends who attended him, and having sent
 a blessing to his nearer relations who were absent;
 "And now," said he, "I have nigh done!
 "One stroke will make my wife a widow, my
 "dear children fatherless, deprive my poor ser-
 "vants of their indulgent master, and separate
 "me from my affectionate brother and all my
 "friends! But let God be to you and them all
 "in all!" Going to disrobe, and prepare himself
 for the block, "I thank God," said he, "that
 "I am nowise afraid of death, nor am daunted
 "with any terrors; but do as chearfully lay
 "down my head at this time, as ever I did when
 "going to repose!" With one blow was a
 period put to his life by the executioner".

THUS perished, in the 49th year of his age,
 the earl of Strafford, one of the most eminent
 personages that has appeared in England. Though
 his death was loudly demanded as a satisfaction
 to justice, and an atonement for the many vio-
 lations of the constitution; it may safely be
 affirmed, that the sentence, by which he fell, was
 an enormity greater than the worst of those,
 which his implacable enemies prosecuted with so
 much cruel industry. The people, in their rage,

"Rushworth, vol. v. p. 267.

had totally mistaken the proper object of their C H A P.
 resentment. All the necessities, or, more pro- LIV.
 perly speaking, the difficulties, by which the 1641.
 king had been induced to use violent expedients
 for raising supply, were the result of measures
 previous to Strafford's favor; and if they arose
 from ill conduct, he, at least, was entirely inno-
 cent. Even those violent expedients themselves,
 which occasioned the complaint that the constitu-
 tion was subverted, had been, all of them, con-
 ducted, so far as appeared, without his counsel
 or assistance. And whatever his private advice
 might be⁹⁷, this salutary maxim he failed not,
 often and publicly, to inculcate in the king's
 presence, that, if any inevitable necessity ever
 obliged the sovereign to violate the laws, this
 licence ought to be practised with extreme re-
 serve, and, as soon as possible, a just atonement
 be made to the constitution, for any injury which
 it might sustain from such dangerous precedents⁹⁸.
 The first parliament after the restoration reversed
 the bill of attainder; and even a few weeks after
 Strafford's execution, this very parliament remit-
 ted to his children the more severe consequences
 of his sentence: As if conscious of the violence,
 with which the prosecution had been conducted.

IN vain did Charles expect, as a return for so

⁹⁷ That Strafford was secretly no enemy to arbitrary
 counsels, appears from some of his letters and dispatches,
 particularly, vol. ii. p. 60. where he seems to wish that
 a standing army were established.

⁹⁸ Rushworth, vol. iv. p. 567, 568, 569, 570.

C H A P. many instances of unbounded compliance, that
 LIV. the parliament would at last show him some
 1641. indulgence, and would cordially fall into that
 unanimity, to which, at the expense of his own
 power, and of his friend's life, he so earnestly
 courted them. All his concessions were poisoned
 by their suspicion of his want of cordiality; and
 the supposed attempt to engage the army against
 them, served with many as a confirmation of this
 jealousy. It was natural for the king to seek
 some resource, while all the world seemed to
 desert him, or combine against him; and this
 probably was the utmost of that embryo-scheme
 which was formed with regard to the army. But
 the popular leaders still insisted, that a desperate
 plot was laid to bring up the forces immediately,
 and offer violence to the parliament: A design
 of which Piercy's evidence acquits the king, and
 which the near neighbourhood of the Scottish
 army seems to render absolutely impracticable".
 By means, however, of these suspicions, was the
 same implacable spirit still kept alive; and the

" The project of bringing up the army to London,
 according to Piercy, was proposed to the king; but he
 rejected it as foolish: Because the Scots, who were in
 arms, and lying in their neighbourhood, must be at Lon-
 don as soon as the English army. This reason is so solid
 and convincing, that it leaves no room to doubt of the
 veracity of Piercy's evidence; and consequently acquits
 the king of this terrible plot of bringing up the army,
 which made such a noise at the time, and was a pretence
 for so many violences.

commons, without giving the king any satisfaction in the settlement of his revenue, proceeded to carry their inroads, with great vigor, into his now defenceless prerogative ¹⁰⁰.

C H A P.

LIV.

1641.

THE two ruling passions of this parliament, were zeal for liberty, and an aversion to the church; and to both of these, nothing could appear more exceptionable, than the court of high commission, whose institution rendered it entirely arbitrary, and assigned to it the defence of the ecclesiastical establishment. The star-chamber also was a court, which exerted high discretionary powers; and had no precise rule or limit, either with regard to the causes which came under its jurisdiction, or the decisions which it formed. A bill unanimously passed the houses to abolish these two courts; and, in them, to annihilate the principal and most dangerous articles of the king's prerogative. By the same bill, the jurisdiction of the council was regulated, and its authority abridged ¹⁰¹. Charles hesitated before he gave his assent. But finding that he had gone too far to retreat, and that he possessed no resource in case of a rupture, he at last affixed the royal sanction to this excellent bill. But to show the parliament, that he was sufficiently apprized of the importance of his grant, he observed to them, that this statute altered in a great measure the

High com-
mission and
star-cham-
ber abolishe
ed.

¹⁰⁰ Clarendon, vol. i. p. 266.

¹⁰¹ Idem, ibid. p. 283, 284. Whitlocke, p. 47.
Rushworth, vol. iii. p. 1383, 1384.

C H A P. fundamental laws, ecclesiastical and civil, which
LIV. many of his predecessors had established ¹⁰².

1641.

By removing the star-chamber, the king's power of binding the people by his proclamations, was indirectly abolished; and that important branch of prerogative, the strong symbol of arbitrary power, and unintelligible in a limited constitution, being at last removed, left the system of government more consistent and uniform. The star-chamber alone was accustomed to punish infractions of the king's edicts: But as no courts of judicature now remained, except those in Westminster-hall, which take cognizance only of common and statute law, the king may thenceforth issue proclamations, but no man is bound to obey them. It must, however, be confessed, that the experiment here made by the parliament, was not a little rash and adventurous. No government, at that time, appeared in the world, nor is perhaps to be found in the records of any history, which subsisted without the mixture of some arbitrary authority, committed to some magistrate; and it might reasonably, beforehand, appear doubtful, whether human society could ever reach that state of perfection, as to support itself with no other controul than the general and rigid maxims of law and equity. But the parliament justly thought, that the king was too eminent a magistrate to be trusted with discretionary power, which he might so easily turn to

¹⁰² Rushworth, vol. v. p. 307.

the destruction of liberty. And in the event it has hitherto been found, that, though some sensible inconveniences arise from the maxim of adhering strictly to law, yet the advantages overbalance them, and should render the English grateful to the memory of their ancestors, who, after repeated contests, at last established that noble, though dangerous, principle.

C H A P.

LIV.

16412

At the request of the parliament, Charles, instead of the patents during pleasure, gave all the judges patents during their good behaviour¹⁰³: A circumstance of the greatest moment towards securing their independence, and barring the entrance of arbitrary power into the ordinary courts of judicature.

THE marshal's court, which took cognizance of offensive words, and was not thought sufficiently limited by law, was also, for that reason, abolished¹⁰⁴. The stannary courts, which exercised jurisdiction over the miners, being liable to a like objection, underwent a like fate. The abolition of the council of the north and the council of Wales followed from the same principles. The authority of the clerk of the market, who had a general inspection over the weights and measures throughout the kingdom, was transferred to the mayors, sheriffs, and ordinary magistrates.

IN short, if we take a survey of the transactions of this memorable parliament, during the first

¹⁰³ May, p. 107.¹⁰⁴ Nelson, vol. i. p. 778.

C H A P. period of its operations, we shall find, that,
 LIV. excepting Strafford's attainder, which was a com-
 1641. plication of cruel iniquity, their merits, in other
 respects, so much outweigh their mistakes, as to
 entitle them to praise from all lovers of liberty.
 Not only were former abuses remedied, and
 grievances redressed: Great provision, for the
 future, was made by law against the return of
 like complaints. And if the means, by which
 they obtained such advantages, favor often of
 artifice, sometimes of violence; it is to be con-
 sidered, that revolutions of government cannot
 be effected by the mere force of argument and
 reasoning: And that factions being once excited,
 men can neither so firmly regulate the tempers of
 others, nor their own, as to ensure themselves
 against all exorbitances.

8th of Aug.
 King's jour-
 ney to Scot-
 land.

THE parliament now came to a pause. The
 king had promised his Scottish subjects, that he
 would this summer pay them a visit, in order to
 settle their government; and though the English
 parliament was very importunate with him, that
 he should lay aside that journey; they could not
 prevail with him so much as to delay it. As he
 must necessarily in his journey have passed through
 the troops of both nations, the commons seem
 to have entertained great jealousy on that ac-
 count, and to have now hurried on, as much as
 they formerly delayed, the disbanding of the
 armies. The arrears therefore of the Scots were
 fully paid them; and those of the English in
 part. The Scots returned home, and the English

were separated into their several counties, and dismissed.

C H A P.
LIV.

1641.

9th of Sept.

AFTER this the parliament adjourned to the 20th of October; and a committee of both houses, a thing unprecedented, was appointed to sit during the recess, with very ample powers¹⁰⁵. Pym was elected chairman of the committee of the lower house. Farther attempts were made by the parliament, while it sat, and even by the commons alone, for assuming sovereign executive powers, and publishing their ordinances, as they called them, instead of laws. The committee too, on their part, was ready to imitate the example.

A SMALL committee of both houses was appointed to attend the king into Scotland, in order, as was pretended, to see that the articles of pacification were executed; but really to be spies upon him, and extend still farther the ideas of parliamentary authority, as well as eclipse the majesty of the king. The earl of Bedford, lord Howard, Sir Philip Stapleton, Sir William Armyne, Fiennes, and Hambden, were the persons chosen¹⁰⁶.

ENDEAVOURS were used, before Charles's departure, to have a protector of the kingdom appointed, with a power to pass laws without having recourse to the king. So little regard was now paid to royal authority, or to the established constitution of the kingdom.

¹⁰⁵ Rushworth, vol. v. p. 387.¹⁰⁶ Ibid. p. 376.

C H A P. **AMIDST** the great variety of affairs , which
LIV. occurred during this busy period, we have almost
1641. overlooked the marriage of the princess Mary
 with William , prince of Orange. The king con-
 cluded not this alliance without communicating
 his intentions to the parliament, who received
 the proposal with satisfaction ¹⁰⁷. This was the
 commencement of the connexions with the fa-
 mily of Orange : Connexions , which were
 afterwards attended with the most important con-
 sequences, both to the kingdom and to the house
 of Stuart.

¹⁰⁷ Whitlocke, p. 38.

C H A P. LV.

*Settlement of Scotland — Conspiracy in Ireland —
Insurrection and massacre — Meeting of the English
parliament — The remonstrance — Reasons on both
sides — Impeachment of the bishops — Accusation of
the five members — Tumults — King leaves London
— Arrives in York — Preparations for civil war.*

THE Scots, who began these fatal commo-
tions, thought that they had finished a very
perilous undertaking, much to their profit and
reputation. Besides the large pay voted them
for lying in good quarters during a twelvemonth,
the English parliament had conferred on them
a present of 300,000 pounds for their brotherly
assistance¹. In the articles of pacification, they
were declared to have ever been good subjects;
and their military expeditions were approved of,
as enterprizes calculated and intended for his
majesty's honor and advantage. To carry farther
the triumph over their sovereign, these terms,
so ignominious to him, were ordered by a
vote of parliament, to be read in all churches,
upon a day of thanksgiving, appointed for the
national pacification²: All their claims for the

C H A P.
LV.
1641:

¹ Nelson, vol. i. p. 747. May, p. 104.

² Rushworth, vol. v. p. 365. Clarendon, vol. ii.
p. 293.

C H A P. restriction of prerogative, were agreed to be
 LV. ratified: And what they more valued than all
 1641. these advantages, they had a near prospect of
 spreading the presbyterian discipline, in England
 and Ireland, from the seeds, which they had scat-
 tered, of their religious principles. Never did
 refined Athens so exult in diffusing the sciences
 and liberal arts over a savage world; never did
 generous Rome so please herself in the view of
 law and order established by her victorious
 arms; as the Scots now rejoiced, in communi-
 cating their barbarous zeal and theological
 fervor, to the neighbouring nations.

Aug. 14.
 Settlement
 of Scotland.

CHARLES, despoiled in England of a considerable
 part of his authority, and dreading still farther
 encroachments upon him, arrived in Scotland,
 with an intention of abdicating almost entirely
 the small share of power, which *there* remained
 to him, and of giving full satisfaction, if
 possible, to his restless subjects in that kingdom.

THE lords of articles were an ancient institu-
 tion in the Scottish parliament. They were
 constituted after this manner. The temporal
 lords chose eight bishops: The bishops elected
 eight temporal lords: These sixteen named eight
 commissioners of counties, and eight burgeses:
 And without the previous consent of the thirty-
 two, who were denominated lords of articles,
 no motion could be made in parliament. As
 the bishops were entirely devoted to the court,
 it is evident, that all the lords of articles, by
 necessary consequence, depended on the king's

nomination; and the prince, besides one negative C H A P.
 after the bills had passed through parliament, LV.
 possessed indirectly another before their introduc- 1641.
 tion; a prerogative of much greater consequence
 than the former. The bench of bishops being
 now abolished, the parliament laid hold of the
 opportunity, and totally set aside the lords
 of articles: And till this important point was
 obtained, the nation, properly speaking, could
 not be said to enjoy any regular freedom³.

It is remarkable, that notwithstanding this
 institution, to which there was no parallel in
 England, the royal authority was always deemed
 much lower in Scotland than in the former
 kingdom. Bacon represents it as one advantage
 to be expected from the union, that the too
 extensive prerogative of England would be ab-
 ridged by the example of Scotland, and the too
 narrow prerogative of Scotland be enlarged from
 the imitation of England. The English were,
 at that time, a civilized people and obedient
 to the laws: But among the Scots, it was
 of little consequence how the laws were framed,
 or by whom voted, while the exorbitant aristo-
 cracy had it so much in their power to prevent
 their regular execution.

THE peers and commons formed only one
 house in the Scottish parliament: And as it had
 been the practice of James, continued by
 Charles, to grace English gentlemen with Scottish

³ Burnet, Mem.

C H A P.
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1641.

titles, all the determinations of parliament, it was to be feared, would in time depend upon the prince, by means of these votes of foreigners, who had no interest or property in the nation. It was therefore a law, deserving approbation, that no man should be created a Scotch peer, who possessed not 10,000 marks (above 500 pounds) of annual rent in the kingdom ⁴.

A LAW for triennial parliaments was likewise passed; and it was ordained, that the last act of every parliament should be to appoint the time and place for holding the parliament next ensuing ⁵.

THE king was deprived of that power, formerly exercised, of issuing proclamations, which enjoined obedience, under the penalty of treason: A prerogative, which invested him with the whole legislative authority, even in matters of the highest importance ⁶.

So far was laudable: But the most fatal blow given to royal authority, and what in a manner dethroned the prince, was the article, that no member of the privy council, in whose hands, during the king's absence, the whole administration lay, no officer of state, none of the judges, should be appointed but by advice and approbation of parliament. Charles even agreed to deprive of their seats, four judges who had adhered to his interests; and their place was supplied by others more agreeable to the

⁴ Burnet, Mem.

⁵ Idem, *ibid.*

⁶ Idem, *ibid.*

ruling party. Several of the covenanters were also sworn of the privy council. And all the ministers of state, counsellors, and judges, were, by law, to hold their places during life or good behaviour⁷.

C H A P.
LV.
1641.

THE king, while in Scotland, conformed himself entirely to the established church; and assisted with great gravity, at the long prayers and longer sermons, with which the presbyterians endeavoured to regale him. He bestowed pensions and preferments on Henderson, Gillespy, and other popular preachers; and practised every art to soften, if not to gain, his greatest enemies. The earl of Argyle was created a marquis, lord Loudon an earl, Lesley was dignified with the title of earl of Leven⁸. His friends, he was obliged, for the present, to neglect and overlook; Some of them were disgusted: And his enemies were not reconciled; but ascribed all his caresses and favors to artifice and necessity.

ARGYLE and Hamilton, being seized with an apprehension real or pretended, that the earl of Crawford and others meant to assassinate them, left the parliament suddenly, and retired into the country: But upon invitation and assurances, returned in a few days. This event, which had neither cause nor effect that was visible, nor purpose, nor consequence, was commonly denominated the *incident*. But though the incident

⁷ Burnet, Mem.

⁸ Clarendon, vol. ii. p. 309.

C H A P. had no effect in Scotland; what was not expected,
 LV. it was attended with consequences in England.
 1641. The English parliament, which was then assembled,
 October 20. being willing to awaken the people's tenderness
 by exciting their fears, immediately took the
 alarm; as if the malignants, so they called the
 king's party, had laid a plot at once to murder
 them and all the godly in both kingdoms.
 They applied, therefore, to Essex, whom the
 king had left general in the south of England;
 and he ordered a guard to attend them⁹.

BUT while the king was employed in pacifying
 the commotions in Scotland, and was preparing
 to return to England, in order to apply himself
 to the same salutary work in that kingdom; he
 received intelligence of a dangerous rebellion
 broken out in Ireland, with circumstances of the
 utmost horror, bloodshed, and devastation. On
 every side, this unfortunate prince was pursued
 with murmurs, discontent, faction, and civil
 wars; and the fire, from all quarters, even by
 the most independent accidents, at once blazed
 up about him.

THE great plan of James, in the administration
 of Ireland, continued by Charles, was, by justice
 and peace to reconcile that turbulent people to the
 authority of laws, and, introducing art and in-
 dustry among them, to cure them of that sloth

⁹ Whitlocke, p. 40. Dugdale, p. 72. Burnet's
 Memoirs of the House of Hamilton, p. 184, 185. Cla-
 endon, p. 299.

and barbarism, to which they had ever been subject. In order to serve both these purposes, and at the same time secure the dominion of Ireland to the English crown, great colonies of British had been carried over, and, being intermixed with the Irish, had every where introduced a new face of things into that country. During a peace of near forty years, the inveterate quarrels between the nations seemed, in a great measure, to be obliterated; and though much of the landed property, forfeited by rebellion, had been conferred on the new planters, a more than equal return had been made, by their instructing the natives in tillage, building, manufactures, and all the civilized arts of life¹⁰. This had been the course of things during the successive administrations of Chichester, Grandison, Falkland, and, above all, of Strafford. Under the government of this latter nobleman, the pacific plans, now come to greater maturity, and forwarded by his vigor and industry, seemed to have operated with full success, and to have bestowed, at last, on that savage country, the face of a European settlement.

AFTER Strafford fell a victim to popular rage, the humors excited in Ireland by that great event, could not suddenly be composed, but continued to produce the greatest innovations in the government.

THE British protestants, transplanted into

¹⁰ Sir John Temple's Irish Rebellion, p. 12.

C H A P. Ireland, having, every moment, before their eyes,
 LV. all the horrors of popery, had naturally been
 1641. carried into the opposite extreme, and had universally adopted the highest principles and practices of the puritans. Monarchy, as well as the hierarchy, was become odious to them; and every method of limiting the authority of the crown, and detaching themselves from the king of England, was greedily adopted and pursued. They considered not, that, as they scarcely formed the sixth part of the people, and were secretly obnoxious to the ancient inhabitants; their only method of supporting themselves was by maintaining royal authority, and preserving a great dependence on their mother-country. The English commons, likewise, in their furious prosecution of Strafford, had overlooked the most obvious consequences; and, while they imputed to him, as a crime, every discretionary act of authority, they despoiled all succeeding governors of that power, by which alone the Irish could be retained in subjection. And so strong was the current for popular government in all the three kingdoms, that the most established maxims of policy were every where abandoned, in order to gratify this ruling passion.

CHARLES, unable to resist, had been obliged to yield to the Irish, as to the Scottish and English parliaments; and found too, that their encroachments still rose in proportion to his concessions. Those subsidies, which themselves had voted, they reduced, by a subsequent vote, to

a fourth part: The court of high commission was determined to be a grievance: Martial law abolished: The jurisdiction of the council annihilated: Proclamations and acts of state declared of no authority: Every order or institution, which depended on monarchy, was invaded; and the prince was despoiled of all his prerogative, without the least pretext of any violence or illegality in his administration.

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THE standing army of Ireland was usually about 3000 men; but in order to assist the king in suppressing the Scottish covenanters, Strafford had raised 8000 more, and had incorporated with them a thousand men, drawn from the old army; a necessary expedient for bestowing order and discipline on the new levied soldiers. The private men in this army were all catholics; but the officers, both commission and non-commission, were protestants, and could entirely be depended on by Charles. The English commons entertained the greatest apprehensions on account of this army; and never ceased soliciting the king, till he agreed to break it: Nor would they consent to any proposal for augmenting the standing army to 5000 men; a number which the king deemed necessary for retaining Ireland in obedience.

CHARLES, thinking it dangerous, that 8000 men accustomed to idleness, and trained to the use of arms, should be dispersed among a nation so turbulent and unsettled, agreed with the Spanish ambassador to have them transported into

C H A P. Flanders, and enlisted in his master's service. The
 LV. English commons, pretending apprehensions, lest
 1641. regular bodies of troops, disciplined in the Low
 Countries, should prove still more dangerous, showed some aversion to this expedient; and the king reduced his allowance to 4000 men. But when the Spaniards had hired ships for transporting these troops, and the men were ready to embark; the commons, willing to show their power, and not displeased with an opportunity of curbing and affronting the king, prohibited every one from furnishing vessels for that service. And thus the project, formed by Charles, of freeing the country from these men, was unfortunately disappointed ¹¹.

THE old Irish remarked all these false steps of the English, and resolved to take advantage of them. Though, their animosity against that nation, for want of an occasion to exert itself, seemed to be extinguished, it was only composed into a temporary and deceitful tranquillity ¹². Their interests, both with regard to *property* and *religion*, secretly stimulated them to a revolt. No individual of any sept, according to the ancient customs, had the property of any particular estate; but as the whole sept had a title to a whole territory, they ignorantly preferred this barbarous community before the more secure and narrower

¹¹ Clarendon, vol. i. p. 281. Rushworth, vol. v. p. 381. Dugdale, p. 75. May, book ii. p. 3.

¹² Temple, p. 14.

possessions assigned them by the English. An indulgence, amounting almost to a toleration, had been given to the catholic religion: But so long as the churches and the ecclesiastical revenues were kept from the priests, and they were obliged to endure the neighbourhood of profane heretics, being themselves discontented, they continually endeavoured to retard any cordial reconciliation between the English and the Irish nations.

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THERE was a gentleman called Roger More, who, though of a narrow fortune, was descended from an ancient Irish family, and was much celebrated among his countrymen for valor and capacity. This man first formed the project of expelling the English, and asserting the independence of his native country¹³. He secretly went from chieftain to chieftain, and roused up every latent principle of discontent. He maintained a close correspondence with lord Maguire and Sir Phelim O'Neale, the most powerful of the old Irish. By conversation, by letters, by his emissaries, he represented to his countrymen the motives of a revolt. He observed to them, that, by the rebellion of the Scots, and factions of the English, the king's authority in Britain was reduced to so low a condition, that he never could exert himself with any vigor, in maintaining the English dominion over Ireland; that the catholics, in the Irish house of commons, assisted by the

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in Ireland.

¹³ Nelson, vol. ii. p. 543.

C H A P. LV. 1641. protestants, had so diminished the royal prerogative and the power of the lieutenant, as would much facilitate the conducting, to its desired effect, any conspiracy or combination, which could be formed; that the Scots having so successfully thrown off dependence on the crown of England, and assumed the government into their own hands, had set an example to the Irish, who had so much greater oppressions to complain of; that the English planters, who had expelled them their possessions, suppressed their religion, and bereaved them of their liberties, were but a handful in comparison of the natives; that they lived in the most supine security, interspersed with their numerous enemies, trusting to the protection of a small army, which was itself scattered in inconsiderable divisions throughout the whole kingdom; that a great body of men, disciplined by the government, were now thrown loose, and were ready for any daring or desperate enterprise; that though the catholics had hitherto enjoyed, in some tolerable measure, the exercise of their religion, from the moderation of their indulgent prince, they must henceforth expect, that the government will be conducted by other maxims and other principles; that the puritanical parliament, having at length subdued their sovereign, would no doubt, as soon as they had consolidated their authority, extend their ambitious enterprises to Ireland, and make the catholics in that kingdom feel the same furious persecution, to which their brethren in England were at

present exposed ; and that a revolt in the Irish, tending only to vindicate their native liberty against the violence of foreign invaders, could never, at any time, be deemed rebellion; much less during the present confusions, when their prince was, in a manner, a prisoner, and obedience must be paid, not to him, but to those who had traiterously usurped his lawful authority ¹⁴.

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By these considerations, More engaged all the heads of the native Irish into the conspiracy. The English of the pale, as they were called, or the old English planters, being all catholics, it was hoped, would afterwards join the party, which restored their religion to its ancient splendor and authority. The intention was, that Sir Phelim O'Neale and the other conspirators should begin an insurrection on one day, throughout the provinces, and should attack all the English settlements; and that, on the same day, lord Maguire and Roger More should surprise the castle of Dublin. The commencement of the revolt was fixed on the approach of winter; that there might be more difficulty in transporting forces from England. Succours to themselves and supplies of arms they expected from France, in consequence of a promise made them by cardinal Richelieu. And many Irish officers, who served in the Spanish troops, had engaged to join them, as soon as they saw an insurrection

¹⁴ Temple, p. 72, 73. 78. Dugdale, p. 73.

C H A P. entered upon by their catholic brethren. News,
 LV. which every day arrived from England, of the
 1641. fury expressed by the commons against all papists,
 struck fresh terror into the Irish nation, and both
 stimulated the conspirators to execute their fatal
 purpose, and gave them assured hopes of the
 concurrence of all their countrymen ¹⁵.

SUCH propensity to a revolt was discovered
 in all the Irish, that it was deemed unnecessary,
 as it was dangerous, to intrust the secret to
 many hands; and the appointed day drew nigh,
 nor had any discovery been yet made to the
 government. The king, indeed, had received
 information from his ambassadors, that something
 was in agitation among the Irish in foreign parts;
 but though he gave warning to the administration
 in Ireland, the intelligence was entirely neglect-
 ed ¹⁶. Secret rumors, likewise, were heard of
 some approaching conspiracy; but no attention
 was paid to them. The earl of Leicester, whom
 the king had appointed lieutenant, remained in
 London. The two justices, Sir William Parsons
 and Sir John Borlase, were men of small abili-
 ties, and, by an inconvenience, common to
 all factious times, owed their advancement to
 nothing but their zeal for the party, by whom
 every thing was now governed. Tranquil from
 their ignorance and inexperience, these men
 indulged themselves in the most profound repose,
 on the very brink of destruction.

¹⁵ Dugdale, p. 74.

¹⁶ Rushworth, vol. v. p. 408. Nelson, vol. ii. p. 565.

BUT they were awakened from their security, on the very day before that which was appointed for the commencement of hostilities. The castle of Dublin, by which the capital was commanded, contained arms for 10,000 men, with thirty-five pieces of cannon, and a proportionable quantity of ammunition: Yet was this important place guarded, and that too without any care, by no greater force than fifty men. Maguire and More were already in town with a numerous band of their partisans: Others were expected that night: And, next morning, they were to enter upon, what they esteemed the easiest of all enterprises, the surprisal of the castle. O'Conolly, an Irishman, but a protestant, betrayed the conspiracy to Parsons¹⁷. The justices and council fled immediately, for safety, into the castle, and re-inforced the guards. The alarm was conveyed to the city and all the protestants prepared for defence. More escaped: Maguire was taken; and Mahone, one of the conspirators, being likewise seized, first discovered to the justices, the project of a general insurrection, and redoubled the apprehensions, which already were universally diffused throughout Dublin¹⁸.

BUT though O'Conolly's discovery saved the castle from a surprise, the confession extorted from Mahone, came too late to prevent the

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Irish insur-
rection and
massacre.

¹⁷ Rushworth, vol. v. p. 399. Nelson, vol. ii. p. 520. May, book ii. p. 6.

¹⁸ Temple, p. 17, 18, 19, 20. Rush. vol. v. p. 400.

C H A P. intended insurrection. O'Neale and his confederates had already taken arms in Ulster. The Irish, every where intermingled with the English, needed but a hint from their leaders and priests to begin hostilities against a people whom they hated on account of their religion, and envied for their riches and prosperity ¹⁹. The houses, cattle, goods, of the unwary English were first seized. Those, who heard of the commotions in their neighbourhood, instead of deserting their habitations, and assembling for mutual protection, remained at home, in hopes of defending their property; and fell thus separately into the hands of their enemies ²⁰. After rapacity had fully exerted itself, cruelty, and the most barbarous, that ever, in any nation, was known or heard of, began its operations. An universal massacre commenced of the English, now defenceless, and passively resigned to their inhuman foes. No age, no sex, no condition was spared. The wife weeping for her butchered husband, and embracing her helpless children, was pierced with them, and perished by the same stroke ²¹. The old, the young, the vigorous, the infirm, underwent a like fate, and were confounded in one common ruin. In vain did flight save from the first assault: Destruction was every where let loose, and met the hunted victims at every turn. In vain was recourse had to relations, to com-

¹⁹ Temple, p. 39, 40. 79.

²⁰ Idem, p. 42.

²¹ Temple, p. 40.

panions,

panions, to friends: All connexions were dissolved, and death was dealt by that hand, from which protection was implored and expected. Without provocation, without opposition, the astonished English, living in profound peace, and full security, were massacred by their nearest neighbours, with whom they had long upheld a continued intercourse of kindness and good offices ²².

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BUT death was the lightest punishment, inflicted by those rebels: All the tortures which wanton cruelty could devise, all the lingering pains of body, the anguish of mind, the agonies of despair, could not satiate revenge excited without injury, and cruelty derived from no cause. To enter into particulars would shock the least delicate humanity. Such enormities, though attested by undoubted evidence, appear almost incredible. Depraved nature, even perverted religion, encouraged by the utmost licence, reach not to such a pitch of ferocity; unless the pity, inherent in human breasts, be destroyed by that contagion of example, which transports men beyond all the usual motives of conduct and behaviour.

THE weaker sex themselves, naturally tender to their own sufferings, and compassionate to those of others, here emulated their more robust companions, in the practice of every cruelty ²³. Even children, taught by the example, and

²² Temple, p. 39, 40.

²³ Ibid. p. 96. 101. Rush. vol. v. p. 415.

CHAP. encouraged by the exhortation, of their parents,
 LV. essayed their feeble blows on the dead carcases
 1641. or defenceless children of the English ²⁴. The
 very avarice of the Irish was not a sufficient
 restraint to their cruelty. Such was their frenzy,
 that the cattle, which they had seized, and by
 rapine made their own, yet, because they bore
 the name of English, were wantonly slaughtered,
 or, when covered with wounds, turned loose
 into the woods or deserts ²⁵.

THE stately buildings or commodious habita-
 tions of the planters, as if upbraiding the sloth
 and ignorance of the natives, were consumed
 with fire, or laid level with the ground. And
 where the miserable owners, shut up in their
 houses, and preparing for defence, perished in
 the flames, together with their wives and chil-
 dren, a double triumph was afforded to their
 insulting foes ²⁶.

IF anywhere a number assembled together,
 and, assuming courage from despair, were resolv-
 ed to sweeten death by revenge on their assassins;
 they were disarmed by capitulations, and pro-
 mises of safety, confirmed by the most solemn
 oaths. But no sooner had they surrendered,
 than the rebels, with perfidy equal to their
 cruelty, made them share the fate of their un-
 happy countrymen ²⁷.

²⁴ Temple, p. 100.

²⁵ Ibid. p. 84.

²⁶ Temple, p. 99. 106. Rushworth, vol. v. p. 414.

²⁷ Whitlocke, p. 47. Rushworth, vol. v. p. 416.

OTHERS, more ingenious still in their barbarity, tempted their prisoners, by the fond love of life, to embrue their hands in the blood of friends, brothers, parents; and having thus rendered them accomplices in guilt, gave them that death, which they sought to shun by deserving it²⁸.

AMIDST all these enormities, the sacred name of RELIGION resounded on every side; not to stop the hands of these murderers, but to enforce their blows, and to steel their hearts against every movement of human or social sympathy. The English, as heretics, abhorred of God, and detestable to all holy men, were marked out by the priests for slaughter; and, of all actions, to rid the world of these declared enemies to catholic faith and piety, was represented as the most meritorious²⁹. Nature, which, in that rude people, was sufficiently inclined to atrocious deeds, was farther stimulated by precept, and national prejudices empoisoned by those aversions, more deadly and incurable, which arose from an enraged superstition. While death finished the sufferings of each victim, the bigotted assassins, with joy and exultation, still echoed in his expiring ears, that these agonies were but the commencement of torments, infinite and eternal³⁰.

SUCH were the barbarities, by which Sir Phe-
lim O'Neale and the Irish in Ulster signalized their

²⁸ Temple, p. 100. ²⁹ Ibid. p. 85. 106.

³⁰ Temple, p. 94. 107, 108. Rushworth, vol. v. p. 407.
P 2

C H A P. rebellion: An event, memorable in the annals
 LV. of human kind, and worthy to be held in per-
 1641. petual detestation and abhorrence. The generous
 nature of More was shocked at the recital of
 such enormous cruelties. He flew to O'Neale's
 camp; but found, that his authority, which was
 sufficient to excite the Irish to an insurrection,
 was too feeble to restrain their inhumanity. Soon
 after, he abandoned a cause, polluted by so many
 crimes; and he retired into Flanders. Sir Phelim,
 recommended by the greatness of his family,
 and perhaps too, by the unrestrained brutality of
 his nature, though without any courage or capa-
 city, acquired the entire ascendant over the nor-
 thern rebels³¹. The English colonies were totally
 annihilated in the open country of Ulster: The
 Scots, at first, met with more favorable treatment.
 In order to engage them to a passive neutrality,
 the Irish pretended to distinguish between the
 British nations; and claiming friendship and con-
 sanguinity with the Scots, extended not over
 them the fury of their massacres. Many of them
 found an opportunity to fly the country: Others
 retired into places of security, and prepared them-
 selves for defence: And by this means, the Scot-
 tish planters, most of them at least, escaped with
 their lives³².

FROM Ulster, the flames of rebellion diffused
 themselves, in an instant, over the other three

³¹ Temple, p. 44.

³² Ibid. p. 41. Rushworth, vol. i. p. 416.

provinces of Ireland. In all places death and slaughter were not uncommon; though the Irish, in these other provinces, pretended to act with moderation and humanity. But cruel and barbarous was their humanity! Not content with expelling the English their houses, with despoiling them of their goodly manors, with wasting their cultivated fields; they stripped them of their very clothes, and turned them out, naked and defenceless, to all the severities of the season³³. The heavens themselves, as if conspiring against that unhappy people, were armed with cold and tempest, unusual to the climate, and executed what the merciless sword had left unfinished³⁴. The roads were covered with crowds of naked English, hastening towards Dublin and the other cities, which yet remained in the hands of their countrymen. The feeble age of children, the tender sex of women, soon sunk under the multiplied rigors of cold and hunger. Here, the husband, bidding a final adieu to his expiring family, envied them that fate, which he himself expected so soon to share: There, the son, having long supported his aged parent, with reluctance obeyed his last commands, and abandoning him in this uttermost distress, reserved himself to the hopes of avenging that death, which all his efforts could not prevent or delay. The astonishing greatness of the calamity deprived the sufferers of any relief from the view of companions in

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³³ Temple, p. 42.³⁴ Ibid. p. 64.

C H A P. LV. 1641. affliction. With silent tears, or lamentable cries, they hurried on through the hostile territories; and found every heart, which was not steeled by native barbarity, guarded by the more implacable furies of mistaken piety and religion³⁵.

THE saving of Dublin preserved in Ireland the remains of the English name. The gates of that city, though timorously opened, received the wretched supplicants, and presented to the view a scene of human misery, beyond what any eye had ever before beheld³⁶. Compassion seized the amazed inhabitants, aggravated with the fear of like calamities; while they observed the numerous foes, without and within, which every where environed them, and reflected on the weak resources, by which they were themselves supported. The more vigorous of the unhappy fugitives, to the number of three thousand, were enlisted into three regiments: The rest were distributed into the houses; and all care was taken, by diet and warmth, to recruit their feeble and torpid limbs. Diseases of unknown name and species, derived from these multiplied distresses, seized many of them, and put a speedy period to their lives: Others, having now leisure to reflect on their mighty loss of friends and fortune, cursed that being which they had saved. Abandoning themselves to despair, refusing all succour, they expired; without other consolation, than that of receiving among their countrymen, the

³⁵ Temple, p. 88.

³⁶ Ibid. p. 62.

honors of a grave, which, to their slaughtered companions, had been denied by the inhuman barbarians ³⁷.

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By some computations, those, who perished by all these cruelties, are supposed to be a hundred and fifty, or two hundred thousand: By the most moderate, and probably the most reasonable account, they are made to amount to 40,000; if this estimation itself be not, as is usual in such cases, somewhat exaggerated.

THE justices ordered to Dublin all the bodies of the army, which were not surrounded by the rebels; and they assembled a force of 1500 veterans. They soon enlisted, and armed from the magazines above 4000 men more. They dispatched a body of 600 men to throw relief into Tredah, besieged by the Irish. But these troops, attacked by the enemy, were seized with a panic, and were most of them put to the sword. Their arms, falling into the hands of the Irish, supplied them with what they most wanted ³⁸. The justices, willing to foment the rebellion, in a view of profiting by the multiplied forfeitures, henceforth thought of nothing more than providing for their own present security and that of the capital. The earl of Ormond, their general, remonstrated against such timid, not to say, base and interested counsels; but was obliged to submit to authority.

THE English of the pale, who probably were

³⁷ Temple, p. 43. 62.

³⁸ Nelson, vol. ii. p. 905.
P 4

C H A P. not, at first, in the secret pretended to blame the
 LV. insurrection, and to detest the barbarity, with
 1641. which it was accompanied³⁹. By their protesta-
 tions and declarations, they engaged the justices
 to supply them with arms, which they promised
 to employ in defence of the government⁴⁰. But
 in a little time, the interests of religion were
 found more prevalent over them, than regard and
 duty to their mother-country. They chose lord
 Gormanstone their leader; and, joining the old
 Irish, rivalled them in every act of violence to-
 wards the English protestants. Besides many
 smaller bodies, dispersed over the kingdom, the
 principal army of the rebels amounted to twenty
 thousand men, and threatened Dublin with an
 immediate siege⁴¹.

BOTH the English and Irish rebels conspired in
 one imposture, with which they seduced many
 of their deluded countrymen: They pretended
 authority from the king and queen, but chiefly
 from the latter, for their insurrection; and they
 affirmed, that the cause of their taking arms was
 to vindicate royal prerogative, now invaded by
 the puritanical parliament⁴². Sir Phelim O'Neale,
 having found a royal patent in lord Caufield's
 house, whom he had murdered, tore off the
 seal, and affixed it to a commission, which he
 had forged for himself⁴³.

³⁹ Temple, p. 33. Rushworth, vol. v. p. 402.

⁴⁰ Temple, p. 60. Borlase, Hist. p. 28.

⁴¹ Whitlocke, p. 49.

⁴² Rushworth, vol. v. p. 400, 401.

⁴³ Idem, ibid. p. 402.

THE king received an account of this insurrection by a messenger, dispatched from the north of Ireland. He immediately communicated his intelligence to the Scottish parliament. He expected, that the mighty zeal, expressed by the Scots for the protestant religion, would immediately engage them to fly to its defence, where it was so violently invaded: He hoped, that their horror against popery, a religion, which now appeared in its most horrible aspect, would second all his exhortations: He had observed with what alacrity they had twice run to arms, and assembled troops in opposition to the rights of their sovereign: He saw with how much greater facility they could now collect forces, which had been very lately disbanded, and which had been so long inured to military discipline. The cries of their affrighted and distressed brethren in Ireland, he promised himself, would powerfully incite them to send over succours, which could arrive so quickly, and aid them with such promptitude in this uttermost distress. But the zeal of the Scots, as is usual among religious sects, was very feeble, when not stimulated either by faction or by interest. They now considered themselves entirely as a republic, and made no account of the authority of their prince, which they had utterly annihilated. Conceiving hopes from the present distresses of Ireland, they resolved to make an advantageous bargain for the succours, with which they should supply their neighbouring nation. And they cast their eye towards

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C H A P. the English parliament, with whom they were
 LV. already so closely connected, and who could
 1641. alone fulfil any articles, which might be agreed
 on. Except dispatching a small body to support
 the Scottish colonies in Ulster, they would,
 therefore, go no farther at present, than sending
 commissioners to London, in order to treat with
 that power, to whom the sovereign authority was
 now in reality transferred⁴⁴.

THE king too, sensible of his utter inability
 to subdue the Irish rebels, found himself obliged,
 in this exigency, to have recourse to the English
 parliament, and depend on their assistance for
 supply. After communicating to them the intel-
 ligence, which he had received, he informed
 them, that the insurrection was not, in his opi-
 nion, the result of any rash enterprise, but of a
 formed conspiracy against the crown of England.
 To their care and wisdom, therefore, he said,
 he committed the conduct and prosecution of the
 war, which, in a cause so important to national
 and religious interests, must of necessity be im-
 mediately entered upon, and vigorously pursued⁴⁵.

Meeting of
 the English
 parliament.

THE English parliament was now assembled;
 and discovered, in every vote, the same dispo-
 sitions, in which they had separated. The exalt-
 ing of their own authority, the diminishing of
 the king's, were still the objects pursued by the
 majority. Every attempt, which had been made

⁴⁴ Rushworth, vol. v. p. 407.

⁴⁵ Clarendon, vol. ii. p. 301.

to gain the popular leaders, and by offices to attach them to the crown, had failed of success, either for want of skill in conducting it, or by reason of the slender preferments, which it was then in the king's power to confer. The ambitious and enterprising patriots disdained to accept, in detail, of a precarious power; while they deemed it so easy, by one bold and vigorous assault, to possess themselves for ever of the entire sovereignty. Sensible that the measures, which they had hitherto pursued, rendered them extremely obnoxious to the king, were many of them in themselves exceptionable; some of them, strictly speaking, illegal; they resolved to seek their own security, as well as greatness, by enlarging popular authority in England. The great necessities, to which the king was reduced; the violent prejudices, which generally, throughout the nation, prevailed against him; his facility in making the most important concessions; the example of the Scots, whose encroachments had totally subverted monarchy: All these circumstances farther instigated the commons in their invasion of royal prerogative. And the danger, to which the constitution seemed to have been so lately exposed, persuaded many, that it never could be sufficiently secured, but by the entire abolition of that authority, which had invaded it.

BUT this project, it had not been in the power, scarcely in the intention, of the popular leaders to execute, had it not been for the passion,

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C H A P. which seized the nation for presbyterian discipline,
 LV. and for the wild enthusiasm, which at that time
 1641. accompanied it. The licence, which the parliament
 had bestowed on this spirit, by checking eccle-
 siastical authority; the countenance and encourage-
 ment, with which they had honored it; had
 already diffused its influence to a wonderful
 degree: And all orders of men had drunk deep
 of the intoxicating poison. In every discourse
 or conversation, this mode of religion entered;
 in all business, it had a share; every elegant
 pleasure or amusement, it utterly annihilated;
 many vices or corruptions of mind, it promoted;
 even diseases and bodily distempers were not
 totally exempted from it; and it became requisite,
 we are told, for all physicians to be expert in the
 spiritual profession, and, by theological con-
 siderations, to allay those religious terrors, with
 which their patients were so generally haunted.
 Learning itself, which tends so much to enlarge
 the mind, and humanize the temper, rather served
 on this occasion to exalt that epidemical frenzy
 which prevailed. Rude as yet, and imperfect,
 it supplied the dismal fanaticism with a variety of
 views, founded it on some coherency of system,
 enriched it with different figures of elocution;
 advantages with which a people, totally ignorant
 and barbarous, had been happily unacquainted.

FROM policy, at first, and inclination, now
 from necessity, the king attached himself extremely
 to the hierarchy: For like reasons, his enemies
 were determined, by one and the same effort,
 to overpower the church and monarchy.

WHILE the commons were in this disposition, the Irish rebellion was the event, which tended most to promote the views, in which all their measures terminated. A horror against the papists, however innocent, they had constantly encouraged; a terror from the conspiracies of that sect, however improbable, they had at all times endeavoured to excite. Here was broken out a rebellion, dreadful and unexpected; accompanied with circumstances the most detestable, of which there ever was any record: And what was the peculiar guilt of the Irish catholics, it was no difficult matter, in the present disposition of men's minds, to attribute to that whole sect, who were already so much the object of general abhorrence. Accustomed, in all invectives, to join the prelatical party with the papists, the people immediately supposed this insurrection to be the result of their united counsels. And when they heard, that the Irish rebels pleaded the king's commission for all their acts of violence; bigotry, ever credulous and malignant, assented without scruple to that gross imposture, and loaded the unhappy prince with the whole enormity of a contrivance so barbarous and inhuman⁴⁶.

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By the difficulties and distresses of the crown, the commons, who possessed alone the power of supply, had aggrandized themselves; and it seemed a peculiar happiness, that the Irish rebellion had

⁴⁶ See note [E] at the end of the volume.

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 1641. succeeded, at so critical a juncture, to the pacification of Scotland. That expression of the king's, by which he committed to them the care of Ireland, they immediately laid hold of, and interpreted in the most unlimited sense. They had, on other occasions, been gradually encroaching on the executive power of the crown, which forms its principal and most natural branch of authority; but, with regard to Ireland, they at once assumed it, fully and entirely, as if delivered over to them by a regular gift or assignment. And to this usurpation the king was obliged passively to submit; both because of his inability to resist, and lest he should still more expose himself to the reproach of favoring the progress of that odious rebellion.

THE project of introducing farther innovations in England being once formed by the leaders among the commons, it became a necessary consequence, that their operations with regard to Ireland should, all of them, be considered as subordinate to the former, on whose success, when once undertaken, their own grandeur, security, and even being, must entirely depend. While they pretended the utmost zeal against the Irish insurrection, they took no steps towards its suppression, but such as likewise tended to give them the superiority in those commotions, which, they foresaw, must so soon be excited in England⁴⁷. The extreme contempt, entertained for

⁴⁷ Clarendon, vol. ii. p. 435. Sir Ed. Walker, p. 6.

the natives in Ireland, made the popular leaders believe, that it would be easy at any time to suppress their rebellion, and recover that kingdom: Nor were they willing to lose, by too hasty success, the advantage, which that rebellion would afford them in their projected encroachments on the prerogative. By assuming the total management of the war, they acquired the courtship and dependence of every one, who had any connexion with Ireland, or who was desirous of inlisting in these military enterprises: They levied money under pretence of the Irish expedition; but reserved it for purposes, which concerned them more nearly: they took arms from the king's magazines; but still kept them with a secret intention of employing them against himself: Whatever law they deemed necessary for aggrandizing themselves, was voted, under color of enabling them to recover Ireland; and if Charles withheld the royal assent, his refusal was imputed to those pernicious counsels, which had at first excited the popish rebellion, and which still threatened total destruction to the protestant interest throughout all his dominions¹⁸. And though no forces were for a long time sent over to Ireland, and very little money remitted, during the extreme distress of that kingdom; so strong was the people's attachment to the commons, that the fault was never imputed to those pious zealots, whose votes breathed nothing but death and destruction to the Irish rebels.

¹⁸ Nelson, vol. ii. p. 618. Clarendon, vol. iv. p. 590.

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TO make the attack on royal authority by regular approaches, it was thought proper to frame a general remonstrance of the state of the nation; and accordingly the committee, which, at the first meeting of parliament, had been chosen for that purpose, and which had hitherto made no progress in their work, received fresh injunctions to finish that undertaking.

The remon-
strance.

THE committee brought into the house that remonstrance, which has become so memorable, and which was soon afterwards attended with such important consequences. It was not addressed to the king; but was openly declared to be an appeal to the people. The harshness of the matter was equalled by the severity of the language. It consists of many gross falsehoods, intermingled with some evident truths: Malignant insinuations are joined to open invectives: Loud complaints of the past, accompanied with jealous prognostications of the future. Whatever unfortunate, whatever invidious, whatever suspicious measure, had been embraced by the king from the commencement of his reign, is insisted on and aggravated with merciless rhetoric: The unsuccessful expeditions to Cadiz and the isle of Rhé, are mentioned: The sending of ships to France for the suppression of the hugonots: The forced loans: The illegal confinement of men for not obeying illegal commands: The violent dissolution of four parliaments: The arbitrary government which always succeeded: The questioning, fining, and imprisoning of members for their conduct

conduct in the house : The levying of taxes without consent of the commons : The introducing of superstitious innovations into the church , without authority of law : In short, every thing, which, either with or without reason, had given offence, during the course of fifteen years, from the accession of the king to the calling of the present parliament. And, though all these grievances had been already redressed, and even laws enacted for future security against their return, the praise of these advantages was ascribed, not to the king, but to the parliament, who had extorted his consent to such salutary statutes. Their own merits too, they asserted, towards the king, were no less eminent, than towards the people. Though they had seized his whole revenue, rendered it totally precarious, and made even their temporary supplies be paid to their own commissioners, who were independent of him ; they pretended, that they had liberally supported him in his necessities. By an insult still more egregious, the very giving of money to the Scots, for levying war against their sovereign, they represented as an instance of their duty towards him. And all their grievances, they said, which amounted to no less than a total subversion of the constitution, proceeded entirely from the formed combination of a popish faction, who had ever swayed the king's counsels, who had endeavoured, by an uninterrupted effort, to introduce their superstition into England and

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C H A P. Scotland, and who had now, at last, excited an
 LV. open and bloody rebellion in Ireland ⁴⁹.

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THIS remonstrance, so full of acrimony and violence, was a plain signal for some farther attacks intended on royal prerogative, and a declaration, that the concessions, already made, however important, were not to be regarded as satisfactory. What pretensions would be advanced, how unprecedented, how unlimited, were easily imagined; and nothing less was foreseen, whatever ancient names might be preserved, than an abolition, almost total, of the monarchical government of England. The opposition, therefore, which the remonstrance met with in the house of commons, was great. For above fourteen hours, the debate was warmly managed; and from the weariness of the king's party, which probably consisted chiefly of the elderly people, and men of cool spirits, the vote was at last carried by a small majority of eleven ⁵⁰. Some time after, the remonstrance was ordered to be printed and published, without being carried up to the house of peers, for their assent and concurrence.

22d Nov.

Reasons on
 both sides.

WHEN this remonstrance was dispersed, it excited every-where the same violent controversy, which attended it when introduced into the house of commons. This parliament, said the partisans of that assembly, have at length profited by the fatal example of their predecessors; and

⁴⁹ Rushworth, vol. v. p. 438. Nelson, vol. ii. p. 694.

⁵⁰ Whitlocke, p. 49. Dugdale, p. 71. Nelson, vol. ii. p. 668.

are resolved, that the fabric, which they have generously undertaken to rear for the protection of liberty, shall not be left to future ages insecure and imperfect. At the time when the petition of right, that requisite vindication of a violated constitution, was extorted from the unwilling prince; who but imagined, that liberty was at last secured, and that the laws would thenceforth maintain themselves in opposition to arbitrary authority? But what was the event? A *right* was indeed acquired to the people, or rather their ancient right was more exactly defined: But as the *power* of invading it still remained in the prince, no sooner did an opportunity offer, than he totally disregarded all laws and preceding engagements, and made his will and pleasure the sole rule of government. Those lofty ideas of monarchical authority, which he has derived from his early education, which are united in his mind with the irresistible illusions of self-love, which are corroborated by his mistaken principles of religion, it is in vain to hope, that, in his more advanced age, he will sincerely renounce, from any subsequent reflection or experience. Such conversions, if ever they happen, are extremely rare; but to expect, that they will be derived from necessity, from the jealousy and resentment of antagonists, from blame, from reproach, from opposition, must be the result of the fondest and most blind credulity. These violences, however necessary, are sure to irritate a prince against limitations so cruelly imposed upon him; and

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C H A P. each concession, which he is constrained to make,
 LV. is regarded as a temporary tribute paid to faction
 1641. and sedition, and is secretly attended with a resolution of seizing every favorable opportunity to retract it. Nor should we imagine, that opportunities of that kind will not offer in the course of human affairs. Governments; especially those of a mixed kind, are in continual fluctuation: The humors of the people change perpetually from one extreme to another: And no resolution can be more wise, as well as more just, than that of employing the present advantages against the king, who had formerly pushed much less tempting ones to the utmost extremities against his people and his parliament. It is to be feared, that, if the religious rage, which has seized the multitude, be allowed to evaporate, they will quickly return to the ancient ecclesiastical establishment; and, with it, embrace those principles of slavery, which it inculcates with such zeal on its submissive profelytes. Those patriots, who are now the public idols, may then become the objects of general detestation; and equal shouts of joy attend their ignominious execution, with those which second their present advantages and triumphs. Nor ought the apprehension of such an event to be regarded in them as a selfish consideration: In their safety is involved the security of the laws: The patrons of the constitution cannot suffer without a fatal blow to the constitution: And it is but justice in the public to protect, at any hazard, those who have so generously

exposed themselves to the utmost hazard for the public interest. What, though monarchy, the ancient government of England, be impaired, during these contests, in many of its former prerogatives: The laws will flourish the more by its decay; and it is happy, allowing that matters are really carried beyond the bounds of moderation, that the current at least runs towards liberty, and that the error is on that side, which is safest for the general interests of mankind and society.

THE best arguments of the royalists against a farther attack on the prerogative were founded more on opposite ideas, which they had formed of the past events of this reign, than on opposite principles of government. Some invasions, they said, and those too of moment, had undoubtedly been made on national privileges: But were we to look for the cause of these violences, we should never find it to consist in the wanton tyranny and injustice of the prince, not even in his ambition or immoderate appetite for authority. The hostilities with Spain, in which the king, on his accession, found himself engaged, however imprudent and unnecessary, had proceeded from the advice, and even importunity of the parliament; who deserted him immediately after they had embarked him in those warlike measures. A young prince, jealous of honor, was naturally afraid of being foiled in his first enterprise, and had not as yet attained such maturity of counsel, as to perceive that his greatest honor lay in preserving the laws inviolate, and gaining the

C H A P. full confidence of his people. The rigor of the
 LV. subsequent parliaments had been extreme with
 1641. regard to many articles, particularly tonnage and
 poundage; and had reduced the king to an absolute necessity, if he would preserve entire the royal prerogative, of levying those duties by his own authority, and of breaking through the forms, in order to maintain the spirit, of the constitution. Having once made so perilous a step, he was naturally induced to continue, and to consult the public interest, by imposing ship-money, and other moderate, though irregular, burthens and taxations. A sure proof, that he had formed no system for enslaving his people is, that the chief object of his government has been to raise a naval, not a military force; a project useful, honorable, nay indispensibly requisite, and in spite of his great necessities, brought almost to a happy conclusion. It is now full time to free him from all these necessities, and to apply cordials and lenitives, after those severities, which have already had their full course against him. Never was sovereign blessed with more moderation of temper, with more justice, more humanity, more honor, or a more gentle disposition. What pity that such a prince should so long have been harassed with rigors, suspicions, calumnies, complaints, encroachments; and been forced from that path, in which the rectitude of his principles would have inclined him to have constantly trod! If some few instances are found of violations made on the petition of right, which

he himself had granted; there is an easier and more natural way for preventing the return of like inconveniences, than by a total abolition of royal authority. Let the revenue be settled, suitably to the ancient dignity and splendor of the crown; let the public necessities be fully supplied; let the remaining articles of prerogative be left untouched; and the king, as he has already lost the power, will lay aside the will, of invading the constitution. From what quarter can jealousies now arise? What farther security can be desired or expected? The king's preceding concessions, so far from being insufficient for public security, have rather erred on the other extreme; and, by depriving him of all power of self-defence, are the real cause why the commons are emboldened to raise pretensions hitherto unheard of in the kingdom, and to subvert the whole system of the constitution. But would they be content with moderate advantages, is it not evident, that, besides other important concessions, the present parliament may be continued, till the government be accustomed to the new track, and every part be restored to full harmony and concord? By the triennial act a perpetual succession of parliaments is established, as everlasting guardians to the laws, while the king possesses no independent power or military force, by which he can be supported in his invasion of them. No danger remains, but what is inseparable from all free constitutions, and what forms the very essence of their freedom: The danger

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C H A P. of a change in the people's disposition, and of
 LV. general disgust, contracted against popular pri-
 1641. vileges. To prevent such an evil, no expedient
 is more proper, than to contain ourselves within
 the bounds of moderation, and to consider, that
 all extremes, naturally and infallibly, beget each
 other. In the same manner as the past usurpa-
 tions of the crown, however excusable on account
 of the necessity or provocations whence they
 arose, have excited an immeasurable appetite
 for liberty; let us beware, lest our encroach-
 ments, by introducing anarchy, make the people
 seek shelter under the peaceable and despotic
 rule of a monarch. Authority, as well as liberty,
 is requisite to government; and is even requisite
 to the support of liberty itself, by maintaining
 the laws, which can alone regulate and protect
 it. What madness, while every thing is so hap-
 pily settled under ancient forms and institutions,
 now more exactly poised and adjusted, to try
 the hazardous experiment of a new constitution,
 and renounce the mature wisdom of our ancestors
 for the crude whims of turbulent innovators!
 Besides the certain and inconceivable mischiefs of
 civil war; are not the perils apparent, which
 the delicate frame of liberty must inevitably sus-
 tain amidst the furious shock of arms? Which-
 ever side prevails, *she* can scarcely hope to remain
 inviolate, and may suffer no less, or rather greater
 injuries from the boundless pretensions of forces
 engaged in her cause, than from the invasion of
 enraged troops, insisted on the side of monarchy.

THE king, upon his return from Scotland, was received in London with the shouts and acclamations of the people, and with every demonstration of regard and affection⁵¹. Sir Richard Gournay, lord mayor, a man of moderation and authority, had promoted these favorable dispositions, and had engaged the populace, who so lately insulted the king, and who so soon after made furious war upon him, to give him these marks of their dutiful attachment. But all the pleasure, which Charles reaped from this joyous reception, was soon damped by the remonstrance of the commons, which was presented him, together with a petition of a like strain. The bad counsels, which he followed, are there complained of; his concurrence in the Irish rebellion plainly insinuated; the scheme, laid for the introduction of popery and superstition, inveighed against; and, as a remedy for all these evils, he is desired to intrust every office and command to persons, in whom his parliament should have cause to confide⁵². By this phrase, which is so often repeated in all the memorials and addresses of that time, the commons meant themselves and their adherents.

As soon as the remonstrance of the commons was published, the king dispersed an answer to it. In this contest, he lay under great disadvantages. Not only the ears of the people were extremely

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⁵¹ Rushworth, vol. v. p. 429.

⁵² Ibid. p. 437. Nelson, vol. ii. p. 692.

C H A P. prejudiced against him; the best topics, upon
 LV. which he could justify, at least apologize for his
 1641. former conduct, were such as it was not safe or
 prudent for him at this time to employ. So high
 was the national idolatry towards parliaments,
 that to blame the past conduct of these assemblies,
 would have been very ill received by the gene-
 rality of the people. So loud were the complaints
 against regal usurpations, that, had the king
 asserted the prerogative of supplying, by his own
 authority, the deficiencies in government, arising
 from the obstinacy of the commons, he would
 have increased the clamors, with which the
 whole nation already resounded. Charles, there-
 fore, contented himself, with observing, in
 general, that even during that period, so much
 complained of, the people enjoyed a great mea-
 sure of happiness, not only comparatively, in
 respect of their neighbours, but even in respect
 of those times, which were justly accounted the
 most fortunate. He made warm protestations of
 sincerity in the reformed religion; he promised
 indulgence to tender consciences with regard to
 the ceremonies of the church; he mentioned his
 great concessions to national liberty; he blamed
 the infamous libels every-where dispersed against
 his person and the national religion; he complain-
 ed of the general reproaches thrown out in the
 remonstrance, with regard to ill counsels, though
 he had protected no minister from parliamentary
 justice, retained no unpopular servant, and con-
 ferred offices on no one, who enjoyed not a

high character and estimation in the public. "If, notwithstanding this," he adds, "any malignant party shall take heart, and be willing to sacrifice the peace and happiness of their country to their own sinister ends and ambition, under whatever pretence of religion and conscience; if they shall endeavour to lessen my reputation and interest, and to weaken my lawful power and authority; if they shall attempt, by discountenancing the present laws, to loosen the bands of government, that all disorder and confusion may break in upon us; I doubt not but God, in his good time, will discover them to me, and that the wisdom and courage of my high court of parliament will join with me in their suppression and punishment".

Nothing shows more evidently the hard situation, in which Charles was placed, than to observe, that he was obliged to confine himself within the limits of civility towards subjects, who had transgressed all bounds of regard, and even of good manners, in the treatment of their sovereign.

THE first instance of those parliamentary encroachments, which Charles was now to look for, was, the bill for pressing soldiers to the service of Ireland. This bill quickly passed the lower house. In the preamble, the king's power of pressing, a power exercised during all former times, was declared illegal, and contrary to the

⁷³ Nelson, vol. ii. p. 748.

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C H A P. liberty of the subject. By a necessary consequence,
 LV. the prerogative, which the crown had ever assumed, of obliging men to accept of any branch
 1641. of public service, was abolished and annihilated: A prerogative, it must be owned, not very compatible with a limited monarchy. In order to elude this law, the king offered to raise 10,000 volunteers for the Irish service: But the commons were afraid lest such an army should be too much at his devotion. Charles, still unwilling to submit to so considerable a diminution of power, came to the house of peers, and offered to pass the law without the preamble; by which means, he said, that ill-timed question with regard to the prerogative would for the present be avoided, and the pretensions of each party be left entire. Both houses took fire at this measure, which, from a similar instance, while the bill of attainder against Strafford was in dependence, Charles might foresee, would be received with resentment. The lords, as well as commons, passed a vote, declaring it to be a high breach of privilege for the king to take notice of any bill, which was in agitation in either of the houses, or to express his sentiments with regard to it, before it be presented to him for his assent in a parliamentary manner. The king was obliged to compose all matters by an apology⁵⁴.

THE general question, we may observe, with

⁵⁴ Rushworth, vol. v. p. 457, 458, &c. Clarendon, vol. ii. p. 327. Nelson, vol. ii. p. 738. 750, 751, &c.

regard to privileges of parliament, has always been, and still continues, one of the greatest mysteries in the English constitution; and, in some respects, notwithstanding the accurate genius of that government, these privileges are at present as undetermined as were formerly the prerogatives of the crown. Such privileges as are founded on long precedent cannot be controverted: But though it were certain, that former kings had not in any instance taken notice of bills lying before the houses (which yet appears to have been very common) it follows not, merely from their never exerting such a power that they had renounced it, or never were possessed of it. Such privileges also as are essential to all free assemblies which deliberate, they may be allowed to assume, whatever precedents may prevail: But though the king's interposition, by an offer or advice, does in some degree overawe or restrain liberty; it may be doubted, whether it imposes such evident violence as to entitle the parliament, without any other authority or concession, to claim the privilege of excluding it. But this was the favorable time for extending privileges; and had none more exorbitant or unreasonable been challenged, few bad consequences had followed. The establishment of this rule, it is certain, contributes to the order and regularity, as well as freedom, of parliamentary proceedings.

THE interposition of peers in the election of commoners was likewise about this time declared

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C H A P. a breach of privilege; and continues ever since
 LV. to be condemned by votes of the commons,
 1641. and universally practised throughout the nation.

EVERY measure pursued by the commons, and, still more, every attempt made by their partisans, were full of the most inveterate hatred against the hierarchy, and showed a determined resolution of subverting the whole ecclesiastical establishment. Besides numberless vexations and persecutions, which the clergy underwent from the arbitrary power of the lower house; the peers, while the king was in Scotland, having passed an order for the observance of the laws with regard to public worship, the commons assumed such authority, that, by a vote alone of their house, they suspended those laws, though enacted by the whole legislature: And they particularly forbade bowing at the name of Jesus; a practice which gave them the highest scandal, and which was one of their capital objections against the established religion⁵⁵. They complained of the king's filling five vacant sees, and considered it as an insult upon them, that he should complete and strengthen an order, which they intended soon entirely to abolish⁵⁶. They had accused thirteen bishops of high treason, for enacting canons without consent of parliament⁵⁷, though, from the foundation

⁵⁵ Rush. vol. v. p. 385, 386. Nelson, vol. ii. p. 482.

⁵⁶ Nelson, vol. ii. p. 511.

⁵⁷ Rushworth, vol. v. p. 359.

of the monarchy, no other method had ever been practised: And they now insisted, that the peers, upon this general accusation, should sequester those bishops from their seats in parliament, and commit them to prison. Their bill for taking away the bishops' votes had last winter been rejected by the peers: But they again introduced the same bill, though no prorogation had intervened; and they endeavoured, by some minute alterations, to elude that rule of parliament, which opposed them. And when they sent up this bill to the lords, they made a demand, the most absurd in the world, that the bishops, being all of them parties, should be refused a vote with regard to that question⁵⁸. After the resolution was once formed by the commons, of invading the established government of church and state, it could not be expected, that their proceedings, in such a violent attempt, would thenceforth be altogether regular and equitable: But it must be confessed, that, in their attack on the hierarchy, they still more openly passed all bounds of moderation; as supposing, no doubt, that the sacredness of the cause would sufficiently atone for employing means the most irregular and unprecedented. This principle, which prevails so much among zealots, never displayed itself so openly as during the transactions of this whole period.

BUT, notwithstanding these efforts of the

⁵⁸ Clarendon, vol. ii. p. 304.

C H A P. commons, they could not expect the concurrence of the upper house, either to this law, or to any other, which they should introduce for the farther limitation of royal authority. The majority of the peers adhered to the king, and plainly foresaw the depression of nobility, as a necessary consequence of popular usurpations on the crown. The insolence, indeed, of the commons, and their haughty treatment of the lords, had already risen to a great height, and gave sufficient warning of their future attempts upon that order. They muttered somewhat of their regret that they should be obliged to save the kingdom alone, and that the house of peers would have no part in the honor. Nay, they went so far as openly to tell the lords, " That
 " they themselves were the representative body
 " of the whole kingdom, and that the peers
 " were nothing but individuals, who held their
 " seats in a particular capacity: And therefore,
 " if their lordships will not consent to the
 " passing of acts necessary for the preservation
 " of the people, the commons, together with
 " such of the lords as are more sensible of the
 " danger, must join together, and represent
 " the matter to his majesty ". " So violent was the democratical, enthusiastic spirit diffused throughout the nation, that a total confusion of all rank and order was justly to be apprehended; and the wonder was not, that the majority of

" Clarendon, vol. ii. p. 415.

the nobles should seek shelter under the throne, but that any of them should venture to desert it. But the tide of popularity seized many, and carried them wide of the most established maxims of civil policy. Among the opponents of the king are ranked the earl of Northumberland, lord admiral, a man of the first family and fortune, and endowed with that dignified pride, which so well became his rank and station: The earl of Essex, who inherited all his father's popularity, and having, from his early youth, sought renown in arms, united to a middling capacity that rigid inflexibility of honor, which forms the proper ornament of a nobleman and a soldier: Lord Kimbolton, soon after Earl of Manchester, a person distinguished by humanity, generosity, affability, and every amiable virtue. These men, finding that their credit ran high with the nation, ventured to encourage those popular disorders, which they vainly imagined, they possessed authority sufficient to regulate and controul.

IN order to obtain a majority in the upper house, the commons had recourse to the populace, who, on other occasions, had done them such important service. Amidst the greatest security, they affected continual fears of destruction to themselves and the nation, and seemed to quake at every breath or rumor of danger. They again excited the people by never-ceasing inquiries after conspiracies, by reports of insurrections, by feigned intelligence of

C H A P. invasions from abroad, by discoveries of dangerous combinations at home among papists and their adherents. When Charles dismissed the guard, which they had ordered during his absence, they complained; and, upon his promising them a new guard, under the command of the earl of Lindsey, they absolutely refused the offer, and were well pleased to insinuate, by this instance of jealousy, that their danger chiefly arose from the king himself⁶⁰. They ordered halberds to be brought into the hall where they assembled, and thus armed themselves against those conspiracies, with which, they pretended, they were hourly threatened. All stories of plots, however ridiculous, were willingly attended to, and were dispersed among the multitude, to whose capacity they were well adapted. Beale, a taylor, informed the commons, that, walking in the fields, he had hearkened to the discourse of certain persons, unknown to him, and had heard them talk of a most dangerous conspiracy. A hundred and eight ruffians, as he learned, had been appointed to murder a hundred and eight lords and commoners, and were promised rewards for these assassinations, ten pounds for each lord, forty shillings for each commoner. Upon this notable intelligence, orders were issued for seizing priests and jesuits, a conference was desired with the lords, and the deputy-lieutenants of some suspected counties were

⁶⁰ Journ. 30th Nov. 1641. Nelson, vol. ii. p. 688.

ordered to put the people in a posture of defence⁶¹.

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THE pulpits likewise were called in aid, and resounded with the dangers, which threatened religion, from the desperate attempts of papists and malignants. Multitudes flocked towards Westminster, and insulted the prelates and such of the lords as adhered to the crown. The peers voted a declaration against those tumults, and sent it to the lower house; but these refused their concurrence⁶². Some seditious apprentices, being seized and committed to prison, immediately received their liberty, by an order of the commons⁶³. The sheriffs and justices having appointed constables with strong watches to guard the parliament; the commons sent for the constables, and required them to discharge the watches, convened the justices, voted their orders a breach of privilege, and sent one of them to the Tower⁶⁴. Encouraged by these intimations of their pleasure, the populace crowded about Whitehall, and threw out insolent menaces against Charles himself. Several reduced officers and young gentlemen of the inns of court, during this time of disorder and danger, offered their service to the king. Between them and the populace there passed frequent skirmishes, which ended not without bloodshed. By way of reproach, these gentlemen

⁶¹ Nelson, vol. ii. p. 646. Journ. 16th Nov. 1641. Dugdale, p. 77. ⁶² Rushworth, part. iii. vol. i. p. 710.

⁶³ Nelson, vol. ii. p. 784. 792.

⁶⁴ Ibid. p. 792. Journ. 27, 28, and 29th of Decemb. 1641.

C H A P. gave the rabble the appellation of ROUNDHEADS;
 LV. on account of the short cropt hair which they
 1641. wore : These called the others CAVALIERS.
 And thus the nation, which was before sufficiently provided with religious well as civil causes of quarrel, was also supplied with party-names, under which the factions might rendezvous and signalize their mutual hatred⁶⁵.

MEANWHILE the tumults still continued, and even increased about Westminster and Whitehall. The cry incessantly resounded against *bishops and rotten-hearted lords*⁶⁶. The former especially, being distinguishable by their habit, and being the object of violent hatred to all the sectaries, were exposed to the most dangerous insults⁶⁷. Williams, now created archbishop of York, having been abused by the populace, hastily called a
 Decemb. 27. meeting of his brethren. By his advice, a protestation was drawn and addressed to the king and the house of lords. The bishops there set forth, that though they had an undoubted right to sit and vote in parliament, yet in coming thither, they had been menaced, assaulted, affronted, by the unruly multitude, and could no longer with safety attend their duty in the house. For this reason they protested against all laws, votes, and resolutions, as null and invalid, which should pass during the time of their constrained absence. This protestation, which, though just

⁶⁵ Clarendon, vol. ii. p. 339.

⁶⁶ Ibid. p. 336.

⁶⁷ Dugdale, p. 78.

and legal, was certainly ill-timed, was signed by twelve bishops, and communicated to the king, who hastily approved of it. As soon as it was presented to the lords, that house desired a conference with the commons, whom they informed of this unexpected protestation. The opportunity was seized with joy and triumph. An impeachment of high treason was immediately sent up against the bishops, as endeavouring to subvert the fundamental laws, and to invalidate the authority of the legislature". They were, on the first demand, sequestered from parliament, and committed to custody. No man, in either house, ventured to speak a word in their vindication; so much displeased was every one at the egregious imprudence, of which they had been guilty. One person alone said, that he did not believe them guilty of high treason; but that they were stark mad, and therefore desired they might be sent to bedlam".

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LV.Impeachment of the
bishops.

1642.

A FEW days after, the king was betrayed into another indiscretion, much more fatal: An indiscretion, to which all the ensuing disorders and civil wars ought immediately and directly to be ascribed. This was the impeachment of lord Kimbolton and the five members.

WHEN the commons employed, in their remonstrance, language so severe and indecent, they had not been actuated entirely by insolence and passion: Their views were more solid and

" Whitlocke, p. 51. Rushworth, vol. v. p. 466.
Nelson, vol. ii. p. 794. " Clarendon, vol. ii. p. 355.

C H A P. profound. They considered, that, in a violent
 LV. attempt, such as an invasion of the ancient
 1642. constitution, the more leisure was afforded the
 people to reflect, the less would they be inclined
 to second that rash and dangerous enterprise; that
 the peers would certainly refuse their concurrence,
 nor were there any hopes of prevailing on them,
 but by instigating the populace to tumult and
 disorder; that the employing of such odious means
 for so invidious an end, would, at long-run, lose
 them all their popularity, and turn the tide of
 favor to the contrary party; and that, if the king
 only remained in tranquillity, and cautiously eluded
 the first violence of the tempest, he would, in the
 end, certainly, prevail, and be able at least to
 preserve the ancient laws and constitution. They
 were therefore resolved, if possible, to excite him
 to some violent passion; in hopes that he would
 commit indiscretions, of which they might make
 advantage.

It was not long before they succeeded beyond
 their fondest wishes. Charles was enraged to find
 that all his concessions but increased their demands;
 that the people, who were returning to a sense of
 duty towards him, were again roused to sedition
 and tumults; that the blackest calumnies were
 propagated against him, and even the Irish
 massacre ascribed to his counsels and machinations;
 and that a method of address was adopted not
 only unsuitable towards so great a prince, but
 which no private gentleman could bear without
 resentment. When he considered all

these increasing acts of insolence in the commons, he was apt to ascribe them, in a great measure, to his own indolence and facility. The queen and the ladies of the court farther stimulated his passion, and represented, that, if he exerted the vigor, and displayed the majesty of a monarch, the daring usurpations of his subjects would shrink before him. Lord Digby, a man of fine parts, but full of levity, and hurried on by precipitate passions, suggested like counsels; and Charles, who, though commonly moderate in his temper, was ever disposed to hasty resolutions, gave way to the fatal importunity of his friends and servants⁷⁰.

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HERBERT, attorney general, appeared in the house of peers, and, in his majesty's name, entered an accusation of high treason against lord Kimbolton and five commoners, Hollis, Sir Arthur Hazlerig, Hambden, Pym, and Strode. The articles were, That they had traiterously endeavoured to subvert the fundamental laws and government of the kingdom, to deprive the king of his regal power, and to impose on his subjects an arbitrary and tyrannical authority; that they had endeavoured, by many foul aspersions on his majesty and his government, to alienate the affections of his people, and make him odious to them; that they had attempted to draw his late army to disobedience of his royal commands, and to side with them in their traiterous designs;

Accusation
of the five
members.

⁷⁰ Clarendon, vol. ii. p. 360.

C H A P. that they had invited and encouraged a foreign
 LV. power to invade the kingdom; that they had
 1642. aimed at subverting the rights and very being
 of parliament; that, in order to complete their
 traiterous designs, they had endeavoured, as far
 as in them lay, by force and terror, to compel
 the parliament to join with them, and, to that
 end, had actually raised and countenanced tumults
 against the king and parliament; and that they
 had traiterously conspired to levy, and actually
 had levied, war against the king⁷¹.

THE whole world stood amazed at this important accusation, so suddenly entered upon, without concert, deliberation, or reflection. Some of these articles of accusation, men said, to judge by appearance, seem to be common between the impeached members and the parliament; nor did these persons appear any farther active in the enterprises, of which they were accused, than so far as they concurred with the majority in their votes and speeches. Though proofs might, perhaps, be produced, of their privately inviting the Scots to invade England; how could such an attempt be considered as treason, after the act of oblivion which had passed, and after that both houses, with the king's concurrence, had voted that nation three hundred thousand pounds for their brotherly assistance? While the house of peers are scarcely able to maintain their

⁷¹ Whitlocke, p. 50. Rushworth, vol. v. p. 473. Nelson, vol. ii. p. 811. Franklyn, p. 906.

independence, or to reject the bills sent them by the commons; will they ever be permitted by the populace, supposing them inclined, to pass a sentence, which must totally subdue the lower house, and put an end to their ambitious undertakings? These five members, at least Pym, Hambden, and Hollis, are the very heads of the popular party; and if these be taken off, what fate must be expected by their followers, who are many of them accomplices in the same treason? The punishment of leaders is ever the last triumph over a broken and routed party; but surely was never before attempted, in opposition to a faction, during the full tide of its power and success.

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1642.

BUT men had not leisure to wonder at the indiscretion of this measure: Their astonishment was excited by new attempts, still more precipitate and imprudent. A serjeant at arms, in the king's name, demanded of the house the five members; and was sent back without any positive answer. Messengers were employed to search for them, and arrest them. Their trunks, chambers, and studies, were sealed, and locked. The house voted all these acts of violence to be breaches of privilege, and commanded every one to defend the liberty of the members⁷². The king, irritated by all this opposition, resolved next day to come in person to the house, with an intention to demand, perhaps seize in

⁷² Whitlocke, p. 50. Rushworth, vol. v. p. 474, 475.

C H A P. their presence, the persons whom he had accused.

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1642.

THIS resolution was discovered to the countess of Carlisle, sister to Northumberland, a lady of spirit, wit, and intrigue⁷³. She privately sent intelligence to the five members; and they had time to withdraw, a moment before the king entered. He was accompanied by his ordinary retinue to the number of above two hundred, armed as usual, some with halberds, some with walking swords. The king left them at the door, and he himself advanced alone through the hall; while all the members rose to receive him. The speaker withdrew from his chair, and the king took possession of it. The speech, which he made, was as follows; "Gentlemen, I am sorry
" for this occasion of coming to you. Yesterday,
" I sent a serjeant at arms, to demand some,
" who, by my order, were accused of high
" treason. Instead of obedience, I received a
" message. I must here declare to you, that,
" though no king, that ever was in England,
" could be more careful of your privileges than
" I shall be, yet in cases of treason no person
" has privilege. Therefore, am I come to tell
" you, that I must have these men wheresoever
" I can find them. Well, since I see all the birds
" are flown, I do expect that you will send them
" to me as soon as they return. But I assure
" you, on the word of a king, I never did in-
" tend any force, but shall proceed against them

⁷³ Whitlocke, p. 51. Warwick, p. 204.

“ in a fair and legal way : For I never meant C H A P.
 “ any other. And now since I see I cannot do LV.
 “ what I came for, I think this is no unfit oc- 1642.
 “ casion to repeat what I have said formerly,
 “ that whatever I have done in favor and to
 “ the good of my subjects, I do intend to main-
 “ tain it⁷⁴.”

WHEN the king was looking around for the accused members he asked the speaker, who stood below, whether any of these persons were in the house ? The speaker, falling on his knee, prudently replied : “ I have, Sir, neither eyes to
 “ see, nor tongue to speak in this place, but as
 “ the house is pleased to direct me, whose servant
 “ I am. And I humbly ask pardon, that I can-
 “ not give any other answer to what your majesty
 “ is pleased to demand of me⁷⁵.”

THE commons were in the utmost disorder; and, when the king was departing, some members cried aloud, so as he might hear them, *Privilege ! Privilege !* And the house immediately adjourned till next day⁷⁶.

THAT evening, the accused members, to show the greater apprehension, removed into the city, which was their fortress. The citizens were the whole night in arms. Some people, who were appointed for that purpose, or perhaps actuated by their own terrors, ran from gate to gate, crying out,

⁷⁴ Whitlocke, p. 50.

⁷⁵ Ibid. May, book ii. p. 20.

⁷⁶ Whitlocke, p. 51.

C H A P. that the cavaliers were coming to burn the city,
 LV. and that the king himself was at their head.

1642. NEXT morning Charles sent to the mayor, and ordered him to call a common-council immediately. About ten o'clock, he himself, attended only by three or four lords, went to Guildhall. He told the common-council, that he was sorry to hear of the apprehensions entertained of him; that he was come to them without any guard, in order to show how much he relied on their affections; and that he had accused certain men of high-treason, against whom he would proceed in a legal way, and therefore presumed that they would not meet with protection in the city. After many other gracious expressions, he told one of the sheriffs, who of the two was thought the least inclined to his service, that he would dine with him. He departed the hall without receiving the applause, which he expected. In passing through the streets, he heard the cry, *Privilege of parliament! privilege of parliament!* resounding from all quarters. One of the populace, more insolent than the rest, drew nigh to his coach, and called out with a loud voice, *To your tents, O Israel!* the words employed by the mutinous Israelites, when they abandoned Rehoboam, their rash and ill-counselled sovereign⁷⁷.

WHEN the house of commons met, they affected the greatest dismay, and adjourning themselves

⁷⁷ Rushworth, vol. v. p. 479. Clarendon, vol. ii. p. 361.

for some days, ordered a committee to sit in merchant-taylors-hall in the city. The committee made an exact inquiry into all circumstances attending the king's entry into the house: Every passionate speech, every menacing gesture of any, even the meanest, of his attendants, was recorded and aggravated. An intention of offering violence to the parliament, of seizing the accused members in the very house, and of murdering all who should make resistance, was inferred. And that unparalleled breach of privilege, so it was called, was still ascribed to the counsel of papists and their adherents. This expression, which then recurred every moment in speeches and memorials, and which, at present, is so apt to excite laughter in the reader, begat at that time the deepest and most real consternation throughout the kingdom.

A LETTER was pretended to be intercepted, and was communicated to the committee, who pretended to lay great stress upon it. One catholic there congratulates another on the accusation of the members; and represents that incident as a branch of the same pious contrivance, which had excited the Irish insurrection, and by which the profane heretics would soon be exterminated in England⁷⁸.

THE house again met; and, after confirming the votes of their committee, instantly adjourned, as if exposed to the most imminent perils from the violence of their enemies. This practice they con-

⁷⁸ Nelson, vol. ii. p. 836.

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Tumults.

King leaves
London,

tinued for some time. When the people, by these affected panics, were wrought up to a sufficient degree of rage and terror, it was thought proper, that the accused members should, with a triumphant and military procession, take their seats in the house. The river was covered with boats, and other vessels, laden with small pieces of ordnance, and prepared for fight. Skippon, whom the parliament had appointed, by their own authority, major-general of the city-militia⁷⁹, conducted the members, at the head of this tumultuary army, to Westminster-hall. And when the populace, by land and by water, passed Whitehall, they still asked with insulting shouts, *What was become of the king and his cavaliers? And whither are they fled*⁸⁰?

THE king, apprehensive of danger from the enraged multitude, had retired to Hampton-court, deserted by all the world, and overwhelmed with grief, shame, and remorse, for the fatal measures, into which he had been hurried. His distressed situation he could no longer ascribe to the rigors of destiny, or the malignity of enemies: His own precipitance and indiscretion must bear the blame of whatever disasters should henceforth befall him. The most faithful of his adherents, between sorrow and indignation, were confounded with reflections on what had happened,

⁷⁹ Nelson, vol. ii. p. 833.

⁸⁰ Whitlocke, p. 52. Dugdale, p. 82. Clarendon, vol. ii. p. 389.

and what was likely to follow. Seeing every prospect blasted, faction triumphant, the discontented populace inflamed to a degree of fury, they utterly despaired of success, in a cause, to whose ruin friends and enemies seemed equally to conspire.

THE prudence of the king, in his conduct of this affair, nobody pretended to justify. The legality of his proceedings met with many and just apologies; though generally offered to unwilling ears. No maxim of law, it was said, is more established or more universally allowed, than that privilege of parliament extends not to treason, felony, or breach of peace; nor has either house, during former ages, ever pretended, in any of those cases, to interpose in behalf of its members. Though some inconveniences should result from the observance of this maxim; that would not be sufficient, without other authority, to abolish a principle established by uninterrupted precedent, and founded on the tacit consent of the whole legislature. But what are the inconveniences so much dreaded? The king, on pretence of treason, may seize any members of the opposite faction, and, for a time, gain to his partisans the majority of voices. But if he seize only a few; will he not lose more friends, by such a gross artifice, than he confines enemies? If he seize a great number; is not this expedient force, open and barefaced? And what remedy, at all times, against such force, but to oppose to it a force, which is superior? Even

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C H A P. LV. 1642. allowing that the king intended to employ violence, not authority, for seizing the members; though at that time, and ever afterwards, he positively asserted the contrary; yet will his conduct admit of excuse. That the hall, where the parliament assembles, is an inviolable sanctuary, was never yet pretended. And if the commons complain of the affront offered them, by an attempt to arrest their members in their very presence; the blame must lie entirely on themselves, who had formerly refused compliance with the king's message, when he peaceably demanded these members. The sovereign is the great executor of the laws; and his presence was here legally employed, both in order to prevent opposition, and to protect the house against those insults which their disobedience had so well merited.

CHARLES knew to how little purpose he should urge these reasons against the present fury of the commons. He proposed, therefore, by a message, that they would agree upon a legal method, by which he might carry on his prosecution against the members, lest farther misunderstandings happen with regard to privilege. They desired him to lay the grounds of accusation before the house; and pretended that they must first judge, whether it were proper to give up their members to a legal trial. The king then informed them, that he would wave, for the present, all prosecution: By successive messages, he afterwards offered a pardon to the members; offered to concur in
any

any law that should acquit or secure them; offered any reparation to the house for the breach of privilege, of which, he acknowledged, they had reason to complain ⁸¹. They were resolved to accept of no satisfaction, unless he would discover his advisers in that illegal measure: A condition, to which, they knew, that, without rendering himself for ever vile and contemptible, he could not possibly submit. Meanwhile, they continued to thunder against the violation of parliamentary privileges, and, by their violent outcries, to inflame the whole nation. The secret reason of their displeasure, however obvious, they carefully concealed. In the king's accusation of the members, they plainly saw his judgment of late parliamentary proceedings; and every adherent of the ruling faction dreaded the same fate, should royal authority be re-established in its ancient lustre. By the most unhappy conduct, Charles, while he extremely augmented, in his opponents, the will, had also increased the ability, of hurting him.

THE more to excite the people, whose dispositions were already very seditious, the expedient of petitioning was renewed. A petition from the county of Buckingham was presented to the house by six thousand subscribers who promised to live and die in defence of the privileges of parliament ⁸². The city of London, the county

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1642.

⁸¹ Dugdale, p. 84. Rushworth, vol. v. p. 484. 488. 492, &c.

⁸² Rushworth, vol. v. p. 487.

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of Essex, that of Hertford, Surrey, Berks, imitated the example. A petition from the apprentices was graciously received ⁸³. Nay, one was encouraged from the porters; whose numbers amounted, as they said, to fifteen thousand ⁸⁴. The address of that great body contained the same articles with all the others; the privileges of parliament, the danger of religion, the rebellion of Ireland, the decay of trade. The porters farther desired, that justice might be done upon offenders, as the atrociousness of their crimes had deserved. And they added, *That if such remedies were any longer suspended, they should be forced to extremities not fit to be named, and make good the saying, "That necessity has no law" ⁸⁵.*

ANOTHER petition was presented by several poor people, or beggars, in the name of many thousands more; in which the petitioners proposed as a remedy for the public miseries, *That those noble worthies of the house of peers, who concur with the happy votes of the commons, may separate themselves from the rest, and sit and vote as one entire body.* The commons gave thanks for this petition ⁸⁶.

THE very women were seized with the same rage. A brewer's wife, followed by many thousands of her sex, brought a petition to the house; in which the petitioners expressed their terror of the papists and prelates, and their dread of like

⁸³ Rushworth, vol. v. p. 462.

⁸⁴ Dugdale, p. 87.

⁸⁵ Clarendon, vol. ii. p. 412.

⁸⁶ Idem, ibid. p. 413.

massacres, rapes, and outrages, with those which had been committed upon their sex in Ireland. They had been necessitated, they said, to imitate the example of the woman of Tekoah: And they claimed equal right with the men, of declaring, by petition, their sense of the public cause; because Christ had purchased them at as dear a rate, and in the free enjoyment of Christ consists equally the happiness of both sexes. Pym came to the door of the house; and, having told the female zealots, that their petition was thankfully accepted, and was presented in a seasonable time, he begged that their prayers for the success of the commons might follow their petition. Such low arts of popularity were affected! And by such illiberal cant were the unhappy people incited to civil discord and convulsions!

IN the mean time, not only all petitions, which favored the church or monarchy, from whatever hand they came, were discouraged; but the petitioners were sent for, imprisoned, and prosecuted as delinquents: And this unequal conduct was openly avowed and justified. Whoever desire a change, it was said, must express their sentiments; for how, otherwise, shall they be known? But those who favor the established government in church or state, should not petition; because they already enjoy what they wish for⁸⁷.

THE king had possessed a great party in the

⁸⁷ Clarendon, vol. ii. p. 449.

C H A P. lower house, as appeared in the vote for the
 LV. remonstrance; and this party, had every new
 1642. cause of disgust been carefully avoided, would
 soon have become the majority; from the odium
 attending the violent measures, embraced by the
 popular leaders. A great majority he always
 possessed in the house of peers, even after the
 bishops were confined or chased away; and this
 majority could not have been overcome, but by
 outrages, which, in the end, would have drawn
 disgrace and ruin on those who incited them. By
 the present fury of the people, as by an inunda-
 tion, were all these obstacles swept away, and
 every rampart of royal authority laid level with
 the ground. The victory was pursued with im-
 petuosity by the sagacious commons, who knew
 the importance of a favorable moment in all
 popular commotions. The terror of their authority
 they extended over the whole nation; and all
 opposition, and even all blame vented in private
 conversation, were treated as the most atrocious
 crimes, by these severe inquisitors. Scarcely was
 it permitted to find fault with the conduct of any
 particular member, if he made a figure in the
 house; and reflections, thrown out on Pym, were
 at this time treated as breaches of privilege. The
 populace without doors were ready to execute,
 from the least hint, the will of their leaders; nor
 was it safe for any member to approach either
 house, who pretended to controul or oppose the
 general torrent. After so undisguised a manner
 was this violence conducted, that Hollis, in a

speech to the peers, desired to know the names of such members as should vote contrary to the sentiments of the commons⁸⁸: And Pym said in the lower house, that the people must not be restrained in the expressions of their just desires⁸⁹.

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By the flight, or terror, or despondency of the king's party, an undisputed majority remained every-where to their opponents; and the bills sent up by the commons, which had hitherto stopped with the peers, and would certainly have been rejected, now passed, and were presented for the royal assent. These were, the pressing bill with its preamble, and the bill against the votes of the bishops in parliament. The king's authority was at that time reduced to the lowest ebb. The queen too, being secretly threatened with an impeachment, and finding no resource in her husband's protection, was preparing to retire into Holland. The rage of the people was, on account of her religion, as well as her spirit and activity, universally levelled against her. Usage, the most contumelious, she had hitherto borne with silent indignation. The commons, in their fury against priests, had seized her very confessor; nor would they release him upon her repeated applications. Even a visit of the prince to his mother had been openly complained of, and remonstrances against it had been presented to her⁹⁰. Apprehensive of attacks still more

⁸⁸ King's Declar. of 12th August, 1642.

⁸⁹ Ibid.

⁹⁰ Nelson, vol. ii. p. 512.

C H A P. violent, she was desirous of facilitating her escape ;
 LV. and she prevailed with the king to pass these bills,
 1642. in hopes of appeasing, for a time, the rage of the
 multitude ⁹¹.

THESE new concessions, however important, the king immediately found to have no other effect, than had all the preceding ones: They were made the foundation of demands still more exorbitant. From the facility of his disposition, from the weakness of his situation, the commons believed, that he could now refuse them nothing. And they regarded the least moment of relaxation, in their invasion of royal authority, as highly impolitic, during the uninterrupted torrent of their successes. The very moment they were informed of these last acquisitions, they affronted the queen, by opening some intercepted letters written to her by lord Digby: They carried up an impeachment against Herbert, attorney-general, for obeying his master's commands in accusing their members ⁹². And they prosecuted, with fresh vigor, their plan of the militia, on which they rested all future hopes of an uncontrouled authority.

THE commons were sensible, that monarchical government, which, during so many ages, had been established in England, would soon regain some degree of its former dignity, after the present tempest was overblown; nor would all their

⁹¹ Clarendon, vol. ii. p. 428.

⁹² Rush. vol. v. p. 489. Clarendon, vol. ii. p. 385.

new-invented limitations be able totally to suppress an authority, to which the nation had ever been accustomed. The sword alone, to which all human ordinances must submit, could guard their acquired power, and fully ensure to them personal safety against the rising indignation of their sovereign. This point, therefore, became the chief object of their aims. A large magazine of arms being placed in the town of Hull, they dispatched thither Sir John Hotham, a gentleman of considerable fortune in the neighbourhood, and of an ancient family; and they gave him the authority of governor. They sent orders to Goring, governor of Portsmouth, to obey no commands but such as he should receive from the parliament. Not content with having obliged the king to displace Lunsford, whom he had appointed governor of the Tower ⁹³, they never ceased soliciting him, till he had also displaced Sir John Biron, a man of unexceptionable character, and had bestowed that command on Sir John Conyers, in whom alone, they said, they could repose confidence. After making a fruitless attempt, in which the peers refused their concurrence, to give public warning, that the people should put themselves in a posture of defence against the enterprises of *papists and other ill-affected persons* ⁹⁴, they now resolved, by a bold and decisive stroke, to seize at once the whole power

C H A P.

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1642.

⁹³ Rushworth, vol. v. p. 459.

⁹⁴ Nelson, vol. ii. p. 850.

CHAP. of the sword, and to confer it entirely on their
 LV. own creatures and adherents.

1642.

THE severe votes, passed in the beginning of this parliament, against lieutenants and their deputies, for exercising powers assumed by all their predecessors, had totally disarmed the crown, and had not left in any magistrate military authority, sufficient for the defence and security of the nation. To remedy this inconvenience now appeared necessary. A bill was introduced and passed the two houses, which restored to lieutenants and deputies the same powers, of which the votes of the commons had bereaved them; but at the same time the names of all the lieutenants were inserted in the bill; and these consisted entirely of men, in whom the parliament could confide. And for their conduct, they were accountable, by the express terms of the bill, not to the king, but to the parliament.

THE policy pursued by the commons, and which had hitherto succeeded to admiration, was, to astonish the king by the boldness of their enterprises, to intermingle no sweetness with their severity, to employ expressions no less violent than their pretensions, and to make him sensible in what little estimation they held both his person and his dignity. To a bill so destructive of royal authority, they prefixed, with an insolence seemingly wanton, a preamble equally dishonorable to the personal character of the king. These are the words: "Whereas there has been of late a
 " most dangerous and desperate design upon the

“ house of commons, which we have just cause
 “ to believe an effect of the bloody counsels of
 “ papists and other ill-affected persons, who have
 “ already raised a rebellion in the kingdom of
 “ Ireland. And whereas, by reason of many
 “ discoveries, we cannot but fear they will pro-
 “ ceed, not only to stir up the like rebellions
 “ and insurrections in this kingdom of Eng-
 “ land; but also to back them with forces from
 “ abroad, &c⁹⁵. ”

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HERE Charles first ventured to put a stop to his concessions; and that not by a refusal, but a delay. When this demand was made; a demand, which, if granted, the commons justly regarded as the last they should ever have occasion to make; he was at Dover, attending the queen and the princess of Orange, in their embarkation. He replied, that he had not now leisure to consider a matter of so great importance, and must therefore respite his answer till his return⁹⁶.

The parliament instantly dispatched another mes-
 sage to him, with solicitations still more impor-
 tunate. They expressed their great grief on
 account of his majesty's answer to their just and
 necessary petition. They represented, that any
 delay, during dangers and distractions so great
 and pressing, was not less unsatisfactory and
 destructive than an absolute denial. They insisted,
 that it was their duty to see put in execution a

22d Feb.

⁹⁵ Rushworth, vol. v. p. 519.

⁹⁶ Rushworth, vol. v. p. 521.

C H A P. measure so necessary for public safety. And they
 LV. affirmed, that the people, in many counties, had
 1642. applied to them for that purpose, and, in some
 28th Feb. places, were, of themselves and by their own
 authority, providing against those urgent dangers,
 with which they were threatened⁹⁷.

EVEN after this insolence, the king durst not venture upon a flat denial. Besides excepting to the preamble, which threw such dishonor upon him, and protesting the innocence of his intentions, when he entered the house of commons; he only desired that the military authority, if it were defective, should first be conferred upon the crown; and he promised to bestow commissions, but such as should be revocable at pleasure, on the same persons whom the parliament had named in the bill⁹⁸. By a former message, he had expressed his wishes, that they would lay before him, in one view, all the concessions, which they deemed requisite for the settlement of the nation. They pretended, that they were exposed to perils so dreadful and imminent, that they had not leisure for such a work⁹⁹. The expedient, proposed by the king, seemed a sufficient remedy during this emergency; and yet maintained the prerogatives of the crown entire and unbroken.

1st March. BUT the intentions of the commons were wide of this purpose, and their panics could be cured

⁹⁷ Rushworth, vol. v. p. 519.

⁹⁸ Idem, ibid.

⁹⁹ Ibid. p. 516, 517.

by one remedy alone. They instantly replied, that the dangers and distempers of the nation were such as could endure no longer delay; and unless the king speedily complied with their demands, they should be constrained, for the safety of prince and people, to dispose of the militia by the authority of both houses, and were resolved to do it accordingly. They asserted, that those parts of the kingdom, which had, from their own authority, put themselves in a posture of defence during these prevailing fears and jealousies, had acted suitably to the declarations and directions of both houses, and conformably to the laws of the kingdom. And while they thus menaced the king with their power, they invited him to fix his residence at London, where, they knew, he would be entirely at mercy¹⁰⁰.

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“ I AM so much amazed at this message,” said the king in his prompt reply, “ that I know not what to answer. You speak of jealousies and fears! Lay your hands on your hearts, and ask yourselves, whether I may not likewise be disturbed with fears and jealousies: And if so, I assure you, that this message has nothing lessened them.

“ As to the militia, I thought so much of it before I gave that answer, and am so much assured, that the answer is agreeable to what in justice or reason you can ask, or I in honor grant, that I shall not alter it in any point.

¹⁰⁰ Rushworth, part. iii. vol. i. chap. iv. p. 523.

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1642.

“ FOR my residence near you, I wish it might
 “ be safe and honorable, and that I had no cause
 “ to absent myself from Whitehall: Ask your-
 “ selves whether I have not ¹⁰¹.

“ WHAT would you have? Have I violated
 “ your laws? Have I denied to pass any bill
 “ for the ease and security of my subjects? I do
 “ not ask what you have done for me.

“ HAVE any of my people been transported
 “ with fears and apprehensions? I offer as free
 “ and general a pardon as yourselves can devise.
 “ All this considered, there is a judgment of
 “ heaven upon this nation, if these distractions
 “ continue.

“ GOD so deal with me and mine as all my
 “ thoughts and intentions are upright for the
 “ maintenance of the true protestant profession,
 “ and for the observance and preservation of the
 “ laws; and I hope God will bless and assist
 “ those laws for *my* preservation ¹⁰². ”

No sooner did the commons despair of obtain-
 ing the king's consent to their bill, than they
 instantly voted, that those who advised his ma-
 jesty's answer were enemies to the state, and
 mischievous projectors against the safety of the
 nation; that this denial is of such dangerous
 consequence, that, if his majesty persist in it, it
 will hazard the peace and tranquillity of all his
 kingdoms, unless some speedy remedy be applied

¹⁰¹ Rushworth, vol. v. p. 524.

¹⁰² Idem. vol. v. p. 532.

by the wisdom and authority of both houses; and that such of the subjects as have put themselves in a posture of defence against the common danger, have done nothing but what is justifiable, and approved by the house ¹⁰³.

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1642.

LEST the people might be averse to the seconding of all these usurpations, they were plied a-new with rumors of danger, with the terrors of invasion, with the dread of English and Irish papists; and the most unaccountable panics were spread throughout the nation. Lord Digby having entered Kingston in a coach and six, attended by a few livery-servants, the intelligence was conveyed to London; and it was immediately voted, that he had appeared in a hostile manner, to the terror and affright of his majesty's subjects, and had levied war against the king and kingdom ¹⁰⁴. Petitions from all quarters loudly demanded of the parliament to put the nation in a posture of defence; and the county of Stafford in particular expressed such dread of an insurrection among the papists, that every man, they said, was constrained to stand upon his guard, not even daring to go to church unarmed ¹⁰⁵.

THAT the same violence by which he had so long been oppressed, might not still reach him, and extort his consent to the militia bill, Charles had resolved to remove farther from London:

¹⁰³ Rushworth, part. iii. vol. i. chap. iv. p. 524.

¹⁰⁴ Clarendon. Rush. part. iii. vol. i. chap. ii. p. 495.

¹⁰⁵ Dugdale, p. 89.

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1642.

King arrives
at York.

And accordingly, taking the prince of Wales and the duke of York along with him, he arrived, by slow journies, at York, which he determined for some time to make the place of his residence. The distant parts of the kingdom, being removed from that furious vortex of new principles and opinions, which had transported the capital, still retained a sincere regard for the church and monarchy; and the king here found marks of attachment beyond what he had before expected¹⁰⁶. From all quarters of England, the prime nobility and gentry, either personally, or by messages and letters, expressed their duty towards him; and exhorted him to save himself and them from that ignominious slavery, with which they were threatened. The small interval of time, which had passed since the fatal accusation of the members, had been sufficient to open the eyes of many, and to recover them from the astonishment, with which at first they had been seized. One rash and passionate attempt of the king's seemed but a small counterbalance to so many acts of deliberate violence, which had been offered to him, and every branch of the legislature: And, however sweet the sound of liberty, many resolved to adhere to that moderate freedom transmitted them from their ancestors, and now better secured by such important concessions; rather than, by engaging in a giddy search after more independence, run a manifest risk, either of incurring a cruel subjection, or abandoning all law and order.

¹⁰⁶ Warwick, p. 203.

CHARLES, finding himself supported by a considerable party in the kingdom, began to speak in a firmer tone, and to retort the accusations of the commons with a vigor, which he had not before exerted. Notwithstanding their remonstrances, and menaces, and insults, he still persisted in refusing their bill; and they proceeded to frame an ordinance, in which, by the authority of the two houses, without the king's consent, they named lieutenants for all the counties, and conferred on them the command of the whole military force, of all the guards, garrisons, and forts of the kingdom. He issued proclamations against this manifest usurpation; and, as he professed a resolution strictly to observe the law himself, so was he determined, he said, to oblige every other person to pay it a like obedience. The name of the king was so essential to all laws, and so familiar in all acts of executive authority, that the parliament was afraid, had they totally omitted it, that the innovation would be too sensible to the people. In all commands, therefore, which they conferred, they bound the persons to obey the orders of his majesty, signified by both houses of parliament. And, inventing a distinction, hitherto unheard of, between the office and the person of the king; those very forces, which they employed against him, they levied in his name, and by his authority¹⁰⁷.

It is remarkable how much the topics of

¹⁰⁷ Rushworth, vol. v. p. 526.

G H A P. argument were now reversed between the parties.

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The king, while he acknowledged his former error, of employing a plea of necessity, in order to infringe the laws and constitution, warned the parliament not to imitate an example, on which they threw such violent blame; and the parliament, while they clothed their personal fears or ambition under the appearance of national and imminent danger, made unknowingly an apology for the most exceptionable part of the king's conduct. That the liberties of the people were no longer exposed to any peril from royal authority, so narrowly circumscribed, so exactly defined, so much unsupported by revenue and by military power, might be maintained upon very plausible topics: But that the danger, allowing it to have any existence, was not of that kind; great, urgent, inevitable; which dissolves all law and levels all limitations, seems apparent from the simplest view of these transactions. So obvious indeed was the king's present inability to invade the constitution, that the fears and jealousies, which operated on the people, and pushed them so furiously to arms, were undoubtedly not of a civil, but of a religious nature. The distempered imaginations of men were agitated with a continual dread of popery, with a horror against prelacy, with an antipathy to ceremonies and the liturgy, and with a violent affection for whatever was most opposite to these objects of aversion. The fanatical spirit, let loose, con-

founded

founded all regard to ease, safety, interest; and dissolved every moral and civil obligation ¹⁶⁸.

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EACH party was now willing to throw on its antagonist the odium of commencing a civil war; but both of them prepared for an event which they deemed inevitable. To gain the people's favor and good opinion, was the chief point on both sides. Never was there a people less corrupted by vice, and more actuated by principle, than the English during that period: Never were there individuals who possessed more capacity, more courage, more public spirit, more disinterested zeal. The infusion of one ingredient, in too large a proportion, had corrupted all these noble principles, and converted them into the most virulent poison. To determine his choice in the approaching contests, every man hearkened with avidity to the reasons proposed on both sides. The war of the pen preceded that of the sword, and daily sharpened the humors of the opposite parties. Besides private adventurers without number, the king and parliament themselves carried on the controversy, by messages, remonstrances, and declarations; where the nation was really the party, to whom all arguments were addressed. Charles had here a double advantage. Not only his cause was more favorable, as supporting the ancient government in church and state against the most illegal pretensions; It was also defended with more art

¹⁶⁸ See note [F] at the end of the volume.

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and eloquence. Lord Falkland had accepted the office of secretary; a man who adorned the purest virtue with the richest gifts of nature, and the most valuable acquisitions of learning. By him, assisted by the king himself, were the memorials of the royal party chiefly composed. So sensible was Charles of his superiority in this particular, that he took care to disperse every-where the papers of the parliament together with his own, that the people might be the more enabled, by comparison, to form a judgment between them; The parliament, while they distributed copies of their own, were anxious to suppress all the king's compositions ¹⁰⁹.

To clear up the principles of the constitution, to mark the boundaries of the powers intrusted by law to the several members, to show what great improvements the whole political system had received from the king's late concessions, to demonstrate his entire confidence in his people, and his reliance on their affections, to point out the ungrateful returns which had been made him, and the enormous encroachments, insults, and indignities, to which he had been exposed; these were the topics, which, with so much justness of reasoning and propriety of expression, were insisted on in the king's declarations and remonstrances ¹¹⁰.

¹⁰⁹ Rushworth, vol. v. p. 751.

¹¹⁰ See note [G] at the end of the volume.

THOUGH these writings were of consequence, and tended much to reconcile the nation to Charles, it was evident that they would not be decisive, and that keener weapons must determine the controversy. To the ordinance of the parliament concerning the militia, the king opposed his commissions of array. The counties obeyed the one or the other, according as they stood affected. And in many counties, where the people were divided, mobbish combats and skirmishes ensued¹¹¹. The parliament, on this occasion, went so far as to vote, "That when
 " the lords and commons in parliament, which is
 " the supreme court of judicature, shall declare
 " what the law of the land is, to have this not
 " only questioned, but contradicted, is a high
 " breach of their privileges¹¹²." This was a plain assuming of the whole legislative authority, and exerting it in the most material article, the government of the militia. Upon the same principles they pretended, by a verbal criticism on the sense of a Latin verb, to ravish from the king his negative voice in the legislature¹¹³.

THE magazine of Hull contained the arms of

¹¹¹ May, book ii. p. 99.

¹¹² Rushworth, vol. v. p. 534.

¹¹³ The king, by his coronation oath, promises that he would maintain the laws and customs which the people had chosen, *quas vulgus elegerit*: The parliament pretended, that *elegerit* meant *shall chuse*; and consequently, that the king had no right to refuse any bills which should be presented him. See Rushworth, vol. v. p. 580.

C H A P. all the forces levied against the Scots; and Sir
 LV. John Hotham, the governor, though he had
 1642. accepted of a commission from the parliament,
 was not thought to be much disaffected to the
 church and monarchy. Charles, therefore, enter-
 tained hopes, that, if he presented himself at
 Hull before the commencement of hostilities,
 Hotham, overawed by his presence, would admit
 him with his retinue; after which he might easily
 render himself master of the place. But the go-
 vernor was on his guard. He shut the gates,
 and refused to receive the king, who desired
 leave to enter with twenty persons only. Charles
 immediately proclaimed him traitor, and com-
 plained to the parliament of his disobedience.
 The parliament avowed and justified the action¹¹⁴.

Prepara-
 tions.

THE county of York levied a guard for the
 king of 600 men: For the kings of England had
 hitherto lived among their subjects like fathers
 among their children, and had derived all their
 security from the dignity of their character, and
 from the protection of the laws. The two houses,
 though they had already levied a guard for them-
 selves; had attempted to seize all the military
 power, all the navy, and all the forts of the
 kingdom; and had openly employed their authority
 in every kind of warlike preparations: Yet im-
 mediately voted, “that the king, seduced by
 “wicked counsel, intended to make war against

¹¹⁴ Whitlocke, p. 55. Rushworth, vol. v. p. 565, &c.
 May, book ii. p. 51.

“ his parliament, who, in all their consultations
 “ and actions, had proposed no other end, but
 “ the care of his kingdoms, and the performance
 “ of all duty and loyalty to his person; that this
 “ attempt was a breach of the trust reposed in
 “ him by his people, contrary to his oath, and
 “ tending to a dissolution of the government;
 “ and that whoever should assist him in such a
 “ war, were traitors by the fundamental laws of
 “ the kingdom ¹¹⁵. ”

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THE armies, which had been every - where raised on pretence of the service in Ireland, were henceforth more openly enlisted by the parliament for their own purposes, and the command of them was given to the earl of Essex. In London no less than four thousand men enlisted in one day ¹¹⁶. And the parliament voted a declaration, which they required every member to subscribe, that they would live and die with their general.

THEY issued orders for bringing in loans of money and plate, in order to maintain forces which should defend the king and both houses of parliament: For this style they still preserved. Within ten days, vast quantities of plate were brought to their treasurers. Hardly were there men enow to receive it, or room sufficient to stow it: And many, with regret, were obliged to carry back their offerings, and wait till the

10th June.

¹¹⁵ Whitlocke, p. 57. Rushworth, vol. v. p. 517. Dugdale, p. 93. May, book ii. p. 54.

¹¹⁶ Vicar's God in the mount.

C H A P. treasurers could find leisure to receive them.
 LV. Such zeal animated the pious partisans of the par-
 1642. liament, especially in the city! The women gave
 up all the plate and ornaments of their houses,
 and even their silver thimbles and bodkins, in
 order to support the *good cause* against the ma-
 lignants ¹¹⁷.

MEANWHILE the splendor of the nobility,
 with which the king was environed, much
 eclipsed the appearance at Westminster. Lord
 keeper Littleton, after sending the great seal
 before him, had fled to York. Above forty
 peers of the first rank attended the king ¹¹⁸;
 whilst the house of lords seldom consisted of more
 than sixteen members. Near the moiety too of
 the lower house absented themselves from counsels,
 which they deemed so full of danger. The
 commons sent up an impeachment against nine
 peers, for deserting their duty in parliament.
 Their own members also, who should return to
 them, they voted not to admit, till satisfied
 concerning the reason of their absence.

CHARLES made a declaration to the peers,
 who attended him, that he expected from them
 no obedience to any commands which were not
 warranted by the laws of the land. The peers
 answered this declaration by a protest, in which
 they declared their resolution to obey no com-
 mands but such as were warranted by that

¹¹⁷ Whitlocke, p. 58. Dugdale, p. 96. 99.

¹¹⁸ May, book ii. p. 59.

authority¹¹⁹. By these deliberate engagements, so worthy of an English prince and English nobility, they meant to confound the furious and tumultuary resolutions taken by the parliament.

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THE queen, disposing of the crown-jewels in Holland, had been enabled to purchase a cargo of arms and ammunition. Part of these, after escaping many perils, arrived safely to the king. His preparations were not near so forward as those of the parliament. In order to remove all jealousy, he had resolved, that their usurpations and illegal pretensions should be apparent to the whole world, and thought, that, to recover the confidence of the people, was a point much more material to his interest, than the collecting of any magazines, stores or armies, which might breed apprehensions of violent or illegal counsels. But the urgent necessity of his situation no longer admitted of delay. He now prepared himself for defence. With a spirit, activity, and address, which neither the one party apprehended, nor the other expected, he employed all the advantages which remained to him, and roused up his adherents to arms. The resources of this prince's genius increased in proportion to his difficulties; and he never appeared greater than when plunged into the deepest perils and distresses. From the mixed character, indeed, of Charles, arose in part the misfortunes, in which England was at

¹¹⁹ Rushworth, vol. v. p. 626, 627. May, book ii. p. 86. Warwick, p. 210.

C H A P. this time involved. His political errors, or rather
 LV. weaknesſes, had raiſed him inveterate enemies:
 1643. His eminent moral virtues had procured him
 zealous partifans: And between the hatred of the
 one, and the affections of the other, was the
 nation agitated with the moſt violent convulſions.

THAT the king might deſpair of all compoſition,
 the parliament ſent him the conditions, on which
 they were willing to come to an agreement.
 Their demands, contained in nineteen propoſi-
 tions, amounted to a total abolition of monarchical
 authority. They required, that no man ſhould
 remain in the council, who was not agreeable
 to parliament; that no deed of the king's ſhould
 have validity, unleſs it paſſed the council, and
 was atteſted under their hand; that all the
 officers of ſtate and principal judges ſhould be
 choſen with conſent of parliament, and enjoy
 their offices for life; that none of the royal
 family ſhould marry without conſent of parlia-
 ment or council; that the laws ſhould be executed
 againſt catholics; that the votes of popiſh lords
 ſhould be excluded; that the reformation of the
 liturgy and church-government ſhould have
 place, according to advice of parliament; that
 the ordinance, with regard to the militia, be
 ſubmitted to; that the juſtice of parliament paſs
 upon all delinquents; that a general pardon be
 granted, with ſuch exceptions as ſhould be ad-
 viſed by parliament; that the forts and caſtles be
 diſpoſed of by conſent of parliament; and that

no peer be made but with consent of both C H A P.
houses ¹²⁰.

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“ SHOULD I grant these demands,” said the king in reply, “ I may be waited on bareheaded; “ I may have my hand kissed; the title of Majesty “ may be continued to me; and *The king’s authority,* “ *signified by both houses,* may still be the style of “ your commands; I may have swords and “ maces carried before me, and please myself “ with the sight of a crown and sceptre (though “ even these twigs would not long flourish, “ when the stock upon which they grew was “ dead): But as to true and real power, I should “ remain but the outside, but the picture, but the “ sign of a king ¹²¹. ” War on any terms was esteemed, by the king and all his counsellors, preferable to so ignominious a peace. Charles accordingly resolved to support his authority by arms. “ His towns,” he said, “ were taken “ from him, his ships, his arms, his money; but “ there still remained to him a good cause, and “ the hearts of his loyal subjects, which, with “ God’s blessing, he doubted not, would recover “ all the rest.” Collecting therefore some forces, he advanced southwards; and at Nottingham he erected his royal standard, the open signal of discord and civil war throughout the kingdom.

25th Aug.

¹²⁰ Rushworth, vol. v. p. 722. May, book ii. p. 54.

¹²¹ Rushworth, vol. v. p. 728. Warwick, p. 189.

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Commencement of the civil war — State of parties — Battle of Edgehill — Negotiation at Oxford — Victories of the royalists in the west — Battle of Stratton — Of Landsdown — Of Roundway-down — Death of Hambden — Bristol taken — Siege of Gloucester — Battle of Newbury — Actions in the north of England — Solemn league and covenant — Arming of the Scots — State of Ireland.

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Commence-
ment of the
civil war.

WHEN two names, so sacred in the English constitution as those of KING and PARLIAMENT, were placed in opposition; no wonder the people were divided in their choice, and were agitated with the most violent animosities and factions.

State of par-
ties.

THE nobility, and more considerable gentry, dreading a total confusion of rank from the fury of the populace, inlisted themselves in defence of the monarch, from whom they received, and to whom they communicated their lustre. Animated with the spirit of loyalty, derived from their ancestors, they adhered to the ancient principles of the constitution, and valued themselves on exerting the maxims, as well as inheriting the possessions, of the old English families. And while they passed their time mostly at their country-seats, they were surpris'd to hear of opinions prevailing, with which they had ever been

unacquainted, and which implied, not a limitation, but an abolition almost total, of monarchical authority.

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1612.

THE city of London, on the other hand, and most of the great corporations, took part with the parliament, and adopted with zeal those democratical principles, on which the pretensions of that assembly were founded. The government of cities, which even under absolute monarchies, is commonly republican, inclined them to this party: The small hereditary influence, which can be retained over the industrious inhabitants of towns; the natural independence of citizens; and the force of popular currents over those more numerous associations of mankind; all these causes gave, there, authority to the new principles propagated throughout the nation. Many families too, which had lately been enriched by commerce, saw with indignation, that notwithstanding their opulence, they could not raise themselves to a level with the ancient gentry: They therefore adhered to a power, by whose success they hoped to acquire rank and consideration^r. And the new splendor and glory of the Dutch commonwealth, where liberty so happily supported industry, made the commercial part of the nation desire to see a like form of government established in England.

THE genius of the two religions, so closely at this time interwoven with politics, corresponded

^r Clarendon, vol. iii. p. 4.

C H A P. exactly to these divisions. The presbyterian
 LVI. religion was new, republican, and suited to the
 1642. genius of the populace: The other had an air of
 greater show and ornament, was established on
 ancient authority, and bore an affinity, to the
 kingly and aristocratical parts of the constitution.
 The devotees of presbytery became of course
 zealous partisans of the parliament. The friends
 of the episcopal church valued themselves on
 defending the rights of monarchy.

SOME men also there were of liberal education,
 who, being either careless or ignorant of those
 disputes, bandied about by the clergy of both
 sides, aspired to nothing but an easy enjoyment
 of life, amidst the jovial entertainment and social
 intercourse of their companions. All these flocked
 to the king's standard, were they breathed a
 freer air, and were exempted from that rigid
 preciseness and melancholy austerity, which
 reigned among the parliamentary party.

NEVER was a quarrel more unequal than seemed
 at first that between the contending parties:
 Almost every advantage lay against the royal
 cause. The king's revenue had been seized,
 from the beginning, by the parliament, who
 issued out to him, from time to time, small sums
 for his present subsistence; and as soon as he
 withdrew to York, they totally stopped all pay-
 ments. London and all the sea-ports, except
 Newcastle, being in their hands, the customs
 yielded them a certain and considerable supply of
 money; and all contributions, loans, and

impositions, were more easily raised from the cities, which possessed the ready money, and where men lived under their inspection, than they could be levied by the king in those open countries, which, after some time, declared for him.

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THE seamen naturally followed the disposition of the sea-ports, to which they belonged: And the earl of Northumberland, lord admiral, having embraced the party of the parliament, had appointed at their desire, the earl of Warwick to be his lieutenant, who at once established his authority in the fleet, and kept the entire dominion of the sea in the hands of that assembly.

ALL the magazines of arms and ammunition were from the first seized by the parliament; and their fleet intercepted the greater part of those which were sent by the queen from Holland. The king was obliged, in order to arm his followers, to borrow the weapons of the trained bands, under promise of restoring them as soon as peace should be settled in the kingdom.

THE veneration for parliaments was at this time extreme throughout the nation². The custom of reviling those assemblies for corruption, as it had no pretence, so was it unknown, during all former ages. Few or no instances of their encroaching ambition or selfish claims had hitherto been observed. Men considered the house of commons, in no other light than as the repre-

² Walker, p. 336.

C H A P. LVI. 1642. representatives of the nation, whose interest was the same with that of the public, who were the eternal guardians of law and liberty, and whom no motive, but the necessary defence of the people, could ever engage in an opposition to the crown. The torrent, therefore, of general affection, ran to the parliament. What is the great advantage of popularity; the privilege of affixing epithets, fell of course to that party. The king's adherents were the *Wicked* and the *Malignant*: Their adversaries were the *Godly* and the *Well-affected*. And as the force of the cities was more united than that of the country, and at once gave shelter and protection to the parliamentary party, who could easily suppress the royalists in their neighbourhood; almost the whole kingdom, at the commencement of the war, seemed to be in the hands of the parliament³.

WHAT alone gave the king some compensation for all the advantages possessed by his adversaries, was, the nature and qualities of his adherents. More bravery and activity were hoped for, from the generous spirit of the nobles and gentry, than from the base disposition of the multitude. And as the men of estates, at their own expense, levied and armed their tenants; besides an attachment to their masters, greater force and courage were to be expected in these rustic troops, than in the vicious and enervated populace of cities.

³ Warwick, p. 318.

THE neighbouring states of Europe, being engaged in violent wars, little interested themselves in these civil commotions; and this island enjoyed the singular advantage (for such it surely was) of fighting out its own quarrels without the interposition of foreigners. France, from policy, had fomented the first disorders in Scotland; had sent over arms to the Irish rebels; and continued to give countenance to the English parliament: Spain, from bigotry, furnished the Irish with some supplies of money and arms. The prince of Orange, closely allied to the crown, encouraged English officers, who served in the Low Countries, to enlist in the king's army: The Scottish officers, who had been formed in Germany, and in the late commotions, chiefly took part with the parliament.

THE contempt, entertained by the parliament, for the king's party, was so great, that it was the chief cause of pushing matters to such extremities against him; and many believed that he never would attempt resistance, but must soon yield to the pretensions, however enormous, of the two houses. Even after his standard was erected, men could not be brought to apprehend the danger of a civil war; nor was it imagined, that he would have the imprudence to enrage his implacable enemies, and render his own condition more desperate, by opposing a force, which was so much superior. The low condition, in which he appeared at Nottingham, confirmed all these hopes. His artillery, though far from

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C H A P. numerous, had been left at York, for want of
 LVI. horses to transport it. Besides the trained bands
 1642. of the county, raised by Sir John Digby, the
 sheriff, he had not gotten together above three
 hundred infantry. His cavalry, in which consisted
 his chief strength, exceeded not eight hundred,
 and were very ill provided with arms. The
 forces of the parliament lay at Northampton,
 within a few days march of him; and consisted
 of above six thousand men, well armed and
 well appointed. Had these troops advanced
 upon him, they must soon have dissipated the
 small force, which he had assembled. By
 pursuing him in his retreat, they had so discredited
 his cause and discouraged his adherents, as
 to have for ever prevented his collecting an
 army able to make head against them. But
 the earl of Essex, the parliamentary general, had
 not yet received any orders from his masters*.
 What rendered them so backward, after such
 precipitate steps as they had formerly taken, is
 not easily explained. It is probable, that, in the
 extreme distress of his party, consisted the present
 safety of the king. The parliament hoped, that
 the royalists, sensible of their feeble condition,
 and convinced of their slender resources, would
 disperse of themselves, and leave their adversaries
 a victory, so much the more complete and
 secure, as it would be gained without the
 appearance of force, and without bloodshed.

* Clarendon, vol. iii. p. 1, 2.

Perhaps

Perhaps too, when it became necessary to make the concluding step, and offer barefaced violence to their sovereign, their scruples and apprehensions, though not sufficient to overcome their resolutions, were able to retard the execution of them^s.

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SIR Jacob Astley, whom the king had appointed major-general of his intended army, told him, that he could not give him assurance but he might be taken out of his bed, if the rebels should make a brisk attempt to that purpose. All the king's attendants were full of well-grounded apprehensions. Some of the lords having desired that a message might be sent to the parliament, with overtures to a treaty; Charles, who well knew, that an accommodation, in his present condition, meant nothing but a total submission, hastily broke up the council, lest this proposal should be farther insisted on. But next day, the earl of Southampton, whom no one could suspect of base or timid sentiments, having offered the same advice in council, it was hearkened to with more coolness and deliberation. He urged, that, though such a step would probably increase the insolence of the parliament; this was so far from being an objection, that such dispositions must necessarily turn to the advantage of the royal cause: That if they refused to treat, which was more probable, the very sound of peace was so popular, that nothing could more disgust

^s Clarendon, vol. iii. p. 18.
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C H A P. the nation than such haughty severity: That if
 LVI. they admitted of a treaty, their proposals, con-
 sidering their present situation, would be so
 1642. exorbitant, as to open the eyes of their most
 partial adherents, and turn the general favor to
 the king's party: And that, at worst, time
 might be gained by this expedient, and a delay
 of the imminent danger, with which the king
 was at present threatened⁶.

CHARLES, on assembling the council, had
 declared against all advances towards an accom-
 modation; and had said, that, having now nothing
 left him but his honor, this last possession he
 was resolved steadily to preserve, and rather
 to perish than yield any farther to the preten-
 sions of his enemies⁷. But by the unanimous
 desire of the counsellors, he was prevailed on
 to embrace Southampton's advice. That noble-
 man, therefore, with Sir John Colepeper and
 Sir William Uvedale, was dispatched to London,
 with offers of a treaty⁸. The manner, in which
 they were received, gave little hopes of success.
 Southampton was not allowed by the peers to
 take his seat; but was ordered to deliver his
 message to the usher, and immediately to depart
 the city: The commons showed little better
 disposition towards Colepeper and Uvedale⁹.
 Both houses replied, that they could admit of

⁶ Clarendon, vol. iii. p. 7.

⁷ Idem, *ibid*.

⁸ Rushworth, vol. v. p. 784.

⁹ Clarendon, vol. iii. p. 10.

no treaty with the king, till he took down his standard, and recalled his proclamations in which the parliament supposed themselves to be declared traitors. The king, by a second message, denied any such intention against the two houses; but offered to recal these proclamations, provided the parliament agreed to recal theirs, in which his adherents were declared traitors. They desired him in return to dismiss his forces, to reside with his parliament, and to give up delinquents to their justice; that is, abandon himself and his friends to the mercy of his enemies¹⁰. Both parties flattered themselves, that, by these messages and replies, they had gained the ends, which they proposed¹¹. The king believed, that the people were made sufficiently sensible of the parliament's insolence and aversion to peace: The parliament intended by this vigor in their resolutions, to support the vigor of their military operations.

THE courage of the parliament was increased, besides their great superiority of force, by two recent events, which had happened in their favor. Goring was governor of Portsmouth, the best fortified town in the kingdom, and, by its situation, of great importance. This man seemed to have rendered himself an implacable enemy to the king, by betraying, probably magnifying, the secret cabals of the army; and

¹⁰ Rushworth, vol. v. p. 786. Dugdale, p. 102.

¹¹ Whitlocke, p. 59.

C H A P. the parliament thought, that his fidelity to them
 LVI. might, on that account, be entirely depended on.
 1642. But the same levity of mind still attended him, and
 the same disregard to engagements and professions.
 He took underhand his measures with the court,
 and declared against the parliament. But, though
 he had been sufficiently supplied with money, and
 long before knew his danger; so small was his
 foresight, that he had left the place entirely
 destitute of provisions, and in a few days,
 he was obliged to surrender to the parliamentary
 forces ¹².

THE marquis of Hertford was a nobleman
 of the greatest quality and character in the king-
 dom, and equally with the king, descended, by
 a female, from Henry VII. During the reign
 of James, he had attempted, without having
 obtained the consent of that monarch, to
 marry Arabella Stuart, a lady nearly related
 to the crown; and upon discovery of his
 intentions, had been obliged, for some time,
 to fly the kingdom. Ever after, he was looked
 on with an evil eye at court, from which, in
 a great measure, he withdrew; and living in
 an independent manner, he addicted himself
 entirely to literary occupations and amusements. In
 proportion as the king declined in popularity,
 Hertford's character flourished with the people;
 and when this parliament assembled, no nobleman

¹² Rushworth, vol. v. p. 683. Whitlocke, p. 60.
 Clarendon, vol. ii. p. 19.

possessed more general favor and authority. By his sagacity, he soon perceived, that the commons, not content with correcting the abuses of government, were carried, by the natural current of power and popularity, into the opposite extreme, and were committing violations, no less dangerous than the former upon the English constitution. Immediately he devoted himself to the support of the king's falling authority, and was prevailed with to be governor to the young prince, and reside at court, to which, in the eyes of all men, he gave, by his presence a new lustre and authority. So high was his character for mildness and humanity, that he still preserved, by means of these popular virtues, the public favor; and every one was sensible of the true motive of his change. Notwithstanding his habits of ease and study, he now exerted himself in raising an army for the king; and being named general of the western counties, where his interest chiefly lay, he began to assemble forces in Somersetshire. By the assistance of lord Seymour, lord Paulet, John Digby, son of the earl of Bristol, Sir Francis Hawley, and others, he had drawn together some appearance of an army; when the parliament, apprehensive of the danger, sent the earl of Bedford, with a considerable force against him. On his approach, Hertford was obliged to retire into Sherborne castle; and, finding that place untenable, he himself passed over into Wales, leaving Sir Ralph Hopton, Sir John Berkeley, Digby,

C H A P.

LVI.

1642.

C H A P. and other officers, with their horse, consisting
 LVI. of about a hundred and twenty, to march into
 1642. Cornwall, in hopes of finding that county better
 prepared for their reception ¹³.

ALL the dispersed bodies of the parliamentary army were now ordered to march to Northampton; and the earl of Essex, who had joined them, found the whole amount to 15,000 men ¹⁴. The king, though his camp had been gradually reinforced from all quarters, was sensible that he had no army, which could cope with so formidable a force; and he thought it prudent, by slow marches, to retire to Derby, thence to Shrewsbury, in order to countenance the levies, which his friends were making in those parts. At Wellington, a day's march from Shrewsbury, he made a rendezvous of all his forces, and caused his military orders to be read at the head of every regiment. That he might bind himself by reciprocal ties, he solemnly made the following declaration before his whole army:

“I DO promise, in the presence of Almighty
 “ God, and as I hope for his blessing and pro-
 “ tection, that I will, to the utmost of my pow-
 “ er, defend and maintain the true reformed
 “ protestant religion, established in the church of
 “ England, and, by the grace of God, in the
 “ same will live and die.

“I DESIRE that the laws may ever be the mea-

¹³ Clarendon, vol. vi. p. 2, 3, &c.

¹⁴ Whitlocke, p. 60.

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“ sure of my government, and that the liberty
 “ and property of the subject may be preserved
 “ by them with the same care as my own just
 “ rights. And if it please God, by his blessing
 “ on this army, raised for my necessary defence,
 “ to preserve me from the present rebellion; I do
 “ solemnly and faithfully promise, in the sight
 “ of God, to maintain the just privileges and
 “ freedom of parliament, and to govern to the
 “ utmost of my power, by the known statutes
 “ and customs of the kingdom, and particularly,
 “ to observe inviolably the laws, to which I
 “ have given my consent this parliament. Mean-
 “ while, if this emergency, and the great neces-
 “ sity, to which I am driven, beget any vio-
 “ lation of law, I hope it shall be imputed by
 “ God and man to the authors of this war; not
 “ to me, who have so earnestly labored to pre-
 “ serve the peace of the kingdom.

“ WHEN I willingly fail in these particulars,
 “ I shall expect no aid or relief from man, nor
 “ any protection from above: But in this reso-
 “ lution, I hope for the chearful assistance of all
 “ good men, and am confident of the blessing
 “ of heaven¹⁵.”

THOUGH the concurrence of the church un-
 doubtedly increased the king's adherents, it may
 safely be affirmed, that the high monarchical doc-
 trines, so much inculcated by the clergy, had
 never done him any real service. The bulk of

¹⁵ Clarendon, vol. iii. p. 16, 17. Dugdale, p. 104.

C H A P. that generous train of nobility and gentry, who
 LVI. now attended the king in his distresses, breathed
 1642. the spirit of liberty as well as of loyalty: And in
 the hopes alone of his submitting to a legal and
 limited government, were they willing in his
 defence to sacrifice their lives and fortunes.

WHILE the king's army lay at Shrewsbury, and he was employing himself in collecting money, which he received, though in no great quantities, by voluntary contributions, and by the plate of the universities, which was sent him; the news arrived of an action, the first which had happened in these wars, and where he was successful.

ON the appearance of commotions in England, the princes Rupert and Maurice, sons of the unfortunate Palatine, had offered their service to the king; and the former, at that time, commanded a body of horse, which had been sent to Worcester, in order to watch the motions of Essex, who was marching towards that city. No sooner had the prince arrived, than he saw some cavalry of the enemy approaching the gates. Without delay, he briskly attacked them, as they were defiling from a lane, and forming themselves. Colonel Sandys, who led them, and who fought with valor, being mortally wounded, fell from his horse. The whole party was routed, and was pursued above a mile. The prince hearing of Essex's approach, retired to the main body¹⁶. This rencounter, though in itself of

¹⁶ Clarendon, vol. iii. p. 25. May, book iii. p. 10.

small importance, mightily raised the reputation of the royalists, and acquired to prince Rupert the character of promptitude and courage; qualities, which he eminently displayed during the whole course of the war.

C H A P.
LVI.
1642.

THE king, on mustering his army, found it amount to 10,000 men. The earl of Lindefey, who in his youth had sought experience of military service in the Low Countries¹⁷, was general: Prince Rupert commanded the horse: Sir Jacob Astley, the foot: Sir Arthur Aston, the dragoons: Sir John Heydon, the artillery. Lord Bernard Stuart was at the head of a troop of guards. The estates and revenue of this single troop, according to lord Clarendon's computation, were at least equal to those of all the members, who, at the commencement of war, voted in both houses. Their servants, under the command of Sir William Killigrew, made another troop, and always marched with their masters¹⁸.

WITH this army the king left Shrewsbury, resolving to give battle as soon as possible to the army of the parliament, which, he heard, was continually augmenting by supplies from London. In order to bring on an action, he directed his march towards the capital, which, he knew, the enemy would not abandon to him. Essex had now received his instructions. The import of them was, to present a most humble petition

12th Oct.

¹⁷ He was then lord Willoughby.

¹⁸ Clarendon, vol. iii. p. 41. Warwick, p. 231.

C H A P. to the king, and to rescue him and the royal
 LVI. family from those desperate malignants, who had
 1642. seized their persons ¹⁹. Two days after the departure of the royalists from Shrewsbury, he left Worcester. Though it be commonly easy in civil wars to get intelligence, the armies were within six miles of each other, ere either of the generals was acquainted with the approach of his enemy. Shrewsbury and Worcester, the places from which they set out, are not above twenty miles distant; yet had the two armies marched ten days in this mutual ignorance. So much had military skill, during a long peace, decayed in England ²⁰.

Battle of
 Edge-hill.

23d of Oct. THE royal army lay near Banbury: That of the parliament, at Keinton, in the county of Warwic. Prince Rupert sent intelligence of the enemy's approach. Though the day was far advanced, the king resolved upon the attack: Essex drew up his men to receive him. Sir Faithful Fortescue, who had levied a troop for the Irish wars, had been obliged to serve in the parliamentary army, and was now posted on the left wing, commanded by Ramsay, a Scotchman. No sooner did the king's army approach, than Fortescue, ordering his troop to discharge their pistols in the ground, put himself under the command of prince Rupert. Partly from this incident, partly from the furious shock made upon

¹⁹ Whitlocke, p. 59. Clarendon, vol. iii. p. 27, 28, &c.

²⁰ Clarendon, vol. iii. p. 44.

them by the prince; that whole wing of cavalry immediately fled, and were pursued for two miles. The right wing of the parliament's army had no better success. Chased from their ground by Wilmot and Sir Arthur Aston, they also took to flight. The king's body of reserve, commanded by Sir John Biron, judging, like raw soldiers, that all was over, and impatient to have some share in the action, heedlessly followed the chase, which their left wing had precipitately led them. Sir William Balfour, who commanded Essex's reserve, perceived the advantage: He wheeled about upon the king's infantry, now quite unfurnished of horse; and he made great havoc among them. Lindesey, the general, was mortally wounded, and taken prisoner. His son, endeavouring his rescue, fell likewise into the enemy's hands. Sir Edmund Verney, who carried the king's standard, was killed, and the standard taken; but it was afterwards recovered. In this situation, prince Rupert, on his return, found affairs. Every thing bore the appearance of a defeat, instead of a victory, with which he had hastily flattered himself. Some advised the king to leave the field: But that prince rejected such pusillanimous counsel. The two armies faced each other for some time, and neither of them retained courage sufficient for a new attack. All night they lay under arms; and next morning found themselves in sight of each other. General, as well as soldier, on both sides, seemed averse to renew the battle. Essex first drew off, and

C H A P.

LVL.

1642.

C H A P. retired to Warwic. The king returned to his
 LVI. former quarters. Five thousand men are said to
 1642. have been found dead on the field of battle;
 and the loss of the two armies, as far as we can
 judge by the opposite accounts, was nearly equal.
 Such was the event of this first battle, fought at
 Keinton, or Edge-hill²¹.

SOME of Essex's horse, who had been driven
 off the field in the beginning of the action,
 flying to a great distance, carried news of a total
 defeat, and struck a mighty terror into the city
 and parliament. After a few days, a more just
 account arrived; and then the parliament pre-
 tended to a complete victory²². The king also,
 on his part, was not wanting to display his ad-
 vantages; though, except the taking of Banbury,
 a few days after, he had few marks of victory
 to boast of. He continued his march, and took
 possession of Oxford, the only town in his do-
 minions, which was altogether at his devotion.

AFTER the royal army was recruited and re-
 freshed; as the weather still continued favorable,
 it was again put in motion. A party of horse
 approached to Reading, of which Martin was
 appointed governor by the parliament. Both
 governor and garrison were seized with a panic,
 and fled with precipitation to London. The
 king, hoping that every thing would yield before
 him, advanced with his whole army to Reading,

²¹ Clarendon, vol. iii. p. 44, &c. May, book iii. p. 16, &c.

²² Whitlocke, p. 61. Clarendon, vol. iii. p. 59.

The parliament, who, instead of their fond expectations, that Charles would never be able to collect an army, had now the prospect of a civil war, bloody, and of uncertain event; were farther alarmed at the near approach of the royal army, while their own forces lay at a distance. They voted an address for a treaty. The king's nearer approach to Colebroke quickened their advances for peace. Northumberland and Pembroke, with three commoners, presented the address of both houses; in which they besought his majesty to appoint some convenient place where he might reside, till committees could attend him with proposals. The king named Windsor, and desired that their garrison might be removed, and his own troops admitted into that castle²³.

C H A P.

LVI.

1642.

MEANWHILE Essex, advancing by hasty marches, had arrived at London. But neither the presence of his army, nor the precarious hopes of a treaty, retarded the king's approaches. Charles attacked, at Brentford, two regiments quartered there, and, after a sharp action, beat them from that village, and took about 500 prisoners. The parliament had sent orders to forbear all hostilities, and had expected the same from the king; though no stipulations to that purpose had been mentioned by their commissioners. Loud complaints were raised against this attack, as if it had been the most apparent perfidy, and breach of treaty²⁴. Inflamed with resentment,

30th Nov.

²³ Whitlocke, p. 62. Clarendon, vol. iii. p. 73.

²⁴ Whitlocke, p. 62. Clarendon, vol. iii. p. 75.

C H A P. as well as anxious for its own safety, the city
 LVI. marched its trained bands in excellent order, and
 1642. joined the army under Essex. The parliamentary
 army now amounted to above 24,000 men, and
 was much superior to that of the king²⁵. After
 both armies had faced each other for some time,
 Charles drew off and retired to Reading, thence
 to Oxford.

WHILE the principal armies on both sides
 were kept in inaction by the winter-season, the
 king and parliament were employed in real pre-
 parations for war, and in seeming advances to-
 wards peace. By means of contributions or
 assessments, levied by the horse, Charles main-
 tained his cavalry: By loans and voluntary pre-
 sents, sent him from all parts of the kingdom,
 he supported his infantry: But the supplies were
 still very unequal to the necessities, under which
 he labored²⁶. The parliament had much greater
 resources for money; and had, by consequence,
 every military preparation in much greater order
 and abundance. Besides an imposition levied in
 London, amounting to the five-and-twentieth
 part of every one's substance, they established on
 that city a weekly assessment of 10,000 pounds,
 and another of 23,518, on the rest of the king-
 dom²⁷. And as their authority was at present
 established in most counties, they levied these
 taxes with regularity; though they amounted to

²⁵ Whitlocke, p. 62. ²⁶ Clarendon, vol. iii. p. 87.

²⁷ Clarendon, vol. iii. p. 171.

sums much greater than the nation had formerly paid to the public.

C H A P.

LVI.

1643.

THE king and parliament sent reciprocally their demands; and a treaty commenced, but without any cessation of hostilities, as had at first been proposed. The earl of Northumberland, and four members of the lower house, came to Oxford as commissioners²⁸. In this treaty, the king perpetually insisted on the re-establishment of the crown in its legal powers, and on the restoration of his constitutional prerogative²⁹: The parliament still required new concessions, and a farther abridgment of regal authority, as a more effectual remedy to their fears and jealousies. Finding the king supported by more forces and a greater party than they had ever looked for, they seemingly abated somewhat of those extravagant conditions, which they had formerly claimed; but their demands were still too high for an equal treaty. Besides other articles, to which a complete victory alone could entitle them, they required the king, in express terms, utterly to abolish episcopacy; a demand, which, before, they had only insinuated: And they required, that all other ecclesiastical controversies should be determined by *their* assembly of divines; that is, in the manner the most repugnant to the inclinations of the king and all his partisans. They insisted, that he should submit to the punishment of his most faithful adherents: And they desired

Negociation,
at Oxford.

²⁸ Whitlocke, p. 64. ²⁹ Rushworth, vol. vi. p. 202.

C H A P. him to acquiesce in their settlement of the militia,
 LVI. and to confer on their adherents the entire power
 1643. of the sword. In answer to the king's proposal,
 that his magazines, towns, forts, and ships,
 should be restored to him, the parliament required,
 that they should be put into such hands as
 they could confide in³⁰: The nineteen propositions,
 which they formerly sent to the king,
 showed their *inclination* to abolish monarchy: They
 only asked, at present, the *power* of doing it.
 And having now, in the eye of the law, been
 guilty of treason, by levying war against their
 sovereign; it is evident, that their fears and jea-
 lousies must, on that account, have multiplied
 extremely; and have rendered their personal safe-
 ty, which they interwove with the safety of
 the nation, still more incompatible with the au-
 thority of the monarch. Though the gentleness
 and lenity of the king's temper might have insured
 them against schemes of future vengeance; they
 preferred, as is, no doubt, natural, an independ-
 ent security, accompanied too with sovereign
 power, to the station of subjects, and that
 not entirely guarded from all apprehensions of
 danger³¹.

THE conferences went no farther than the first
 demand on each side. The parliament, finding
 that there was no likelihood of coming to any
 agreement, suddenly recalled their commissioners.

³⁰ Rushworth, vol. vi. p. 166. Clarendon, vol. iii. p. 119.

³¹ See note [H] at the end of the volume.

A MILITARY enterprize, which they had concerted early in the spring, was immediately undertaken. Reading, the garrison of the king's, which lay nearest to London, was esteemed a place of considerable strength, in that age, when the art of attacking towns was not well understood in Europe, and was totally unknown in England. The earl of Essex sat down before this place with an army of 18,000 men; and carried on the siege by regular approaches. Sir Arthur Aston, the governor, being wounded, colonel Fielding succeeded to the command. In a little time the town was found to be no longer in a condition of defence; and though the king approached, with an intention of obliging Essex to raise the siege, the disposition of the parliamentary army was so strong, as rendered the design impracticable. Fielding, therefore, was contented to yield the town, on condition that he should bring off all the garrison with the honors of war, and deliver up deserters. This last article was thought so ignominious and so prejudicial to the king's interests, that the governor was tried by a council of war, and condemned to lose his life, for consenting to it. His sentence was afterwards remitted by the king³².

Essex's army had been fully supplied with all necessaries from London: Even many superfluities and luxuries were sent them by the care of the

C H A P.

LVI.

1643.

15th April.

27th April.

³² Rushworth, vol. vi. p. 265, &c. Clarendon, vol. iii. p. 237, 238, &c.

C H A P. zealous citizens: Yet the hardships, which they
 LVI. suffered from the siege, during so early a season,
 1643. had weakened them to such a degree, that they
 were no longer fit for any new enterprise. And
 the two armies, for some time, encamped in the
 neighbourhood of each other, without attempt-
 ing, on either side, any action of moment.

BESIDES the military operations between the
 principal armies, which lay in the centre of Eng-
 land; each county, each town, each family
 almost, was divided within itself; and the most
 violent convulsions shook the whole kingdom.
 Throughout the winter, continual efforts had
 every-where been made by each party to sur-
 mount its antagonist; and the English, roused
 from the lethargy of peace, with eager, though
 unskilful hands, employed against their fellow-
 citizens their long-neglected weapons. The furious
 zeal for liberty and presbyterian discipline, which
 had hitherto run uncontrouled throughout the
 nation, now at last excited an equal ardor for
 monarchy and episcopacy; when the intention of
 abolishing these ancient modes of government was
 openly avowed by the parliament. Conventions for
 neutrality, though, in several counties, they had
 been entered into, and confirmed by the most so-
 lemn oaths, yet, being voted illegal by the two
 houses, were immediately broken³³; and the fire
 of discord was spread into every quarter. The
 altercation of discourse, the controversies of the

³³ Clarendon, vol. iii. p. 137. 139.

pen, but, above all, the declamations of the pulpit, indisposed the minds of men towards each other, and propagated the blind rage of party³⁴. Fierce, however, and inflamed as were the dispositions of the English, by a war both civil and religious, that great destroyer of humanity; all the events of this period are less distinguished by atrocious deeds either of treachery or cruelty, than were ever any intestine discords, which had so long a continuance. A circumstance which will be found to reflect great praise on the national character of that people, now so unhappily roused to arms.

C H A P.
LVI.
1643.

IN the north, lord Fairfax commanded for the parliament, the earl of Newcastle for the king. The latter nobleman began those associations, which were afterwards so much practised in other parts of the kingdom. He united in a league for the king the counties of Northumberland, Cumberland, Westmoreland, and the Bishopric, and engaged, some time after, other counties in the same association. Finding that Fairfax, assisted by Hotham and the garrison of Hull, was making progress in the southern parts of Yorkshire; he advanced with a body of four thousand men, and took possession of York. At Tadcaster, he attacked the forces of the parliament, and dislodged them: But his victory was not decisive. In other rencounters he obtained some inconsiderable advantages. But the chief benefit, which resulted

³⁴ Dugdale, p. 95.

CHAP. from his enterprizes, was the establishing of the
LVI. king's authority in all the northern provinces.

1643.

IN another part of the kingdom, lord Broke was killed by a shot, while he was taking possession of Litchfield for the parliament ³⁵. After a sharp combat, near Stafford, between the earl of Northampton and Sir John Gell, the former, who commanded the king's forces, was killed while he fought with great valor; and his forces, discouraged by his death, though they had obtained the advantage in the action, retreated into the town of Stafford ³⁶.

SIR William Waller began to distinguish himself among the generals of the parliament. Active and indefatigable in his operations, rapid and enterprising, he was fitted by his genius to the nature of the war; which, being managed by raw troops, conducted by unexperienced commanders, afforded success to every bold and sudden undertaking. After taking Winchester

³⁵ He had taken possession of Litchfield, and was viewing from a window St. Chad's cathedral, in which a party of the royalists had fortified themselves. He was cased in complete armor, but was shot through the eye by a random ball. Lord Broke was a zealous puritan; and had formerly said, that he hoped to see with his eyes the ruin of all the cathedrals of England. It was a superstitious remark of the royalists, that he was killed on St. Chad's day by a shot from St. Chad's cathedral, which pierced that very eye by which he hoped to see the ruin of all cathedrals. Dugdale, p. 118. Clarendon, &c.

³⁶ Whitlocke, p. 66. Rushworth, vol. vi. p. 152. Clarendon, vol. iii. p. 151.

and Chichester, he advanced towards Gloucester, which was in a manner blockaded by lord Herbert, who had levied considerable forces in Wales for the royal party ³⁷. While he attacked the Welsh on one side, a sally from Gloucester made impression on the other. Herbert was defeated; five hundred of his men killed on the spot; a thousand taken prisoners; and he himself escaped with some difficulty to Oxford. Hereford esteemed a strong town, defended by a considerable garrison, was surrendered to Waller, from the cowardice of colonel Price, the governor. Tewkesbury underwent the same fate. Worcester refused him admittance; and Waller, without placing any garrisons in his new conquests, retired to Gloucester, and he thence joined the army under the earl of Essex ³⁸.

C H A P.
LVI.
1643.

BUT the most memorable actions of valor, during this winter-season, were performed in the west. When Sir Ralph Hopton, with his small troop, retired into Cornwall before the earl of Bedford, that nobleman, despising so inconsiderable a force, abandoned the pursuit, and committed the care of suppressing the royal party to the sheriffs of the county. But the affections of Cornwall were much inclined to the king's service. While Sir Richard Buller and Sir Alexander Carew lay at Launceston, and employed themselves in executing the parliament's ordinance for

Victories of
the royalists
in the west.

³⁷ Rushworth, vol. vi. p. 92. 100.

³⁸ Rushworth, vol. vi. p. 263.

C H A P. the militia, a meeting of the county was assem-
 LVI. bled at Truro; and after Hopton produced his
 1643. commission from the earl of Hertford, the king's
 general, it was agreed to execute the laws, and
 to expel these invaders of the county. The
 trained bands were accordingly levied, Launceston
 taken, and all Cornwall reduced to peace and
 to obedience under the king.

It had been usual for the royal party, on
 the commencement of these disorders, to claim,
 on all occasions, the strict execution of the laws,
 which, they knew, were favorable to them;
 and the parliament rather than have recourse to
 the plea of necessity, and avow the transgression
 of any statute, had also been accustomed to
 warp the laws, and, by forced constructions,
 to interpret them in their own favor³⁹. But
 though the king was naturally the gainer by such
 a method of conducting war, and it was by
 favor of law that the trained bands were raised
 in Cornwall; it appeared that those maxims
 were now prejudicial to the royal party. These
 troops could not legally, without their own
 consent, be carried out of the county; and con-
 sequently, it was impossible to push into
 Devonshire, the advantage, which they had
 obtained. The Cornish royalists, therefore, be-
 thought themselves of levying a force, which
 might be more serviceable. Sir Bevil Granville,
 the most beloved man of that country, Sir Ralph

³⁹ Clarendon, vol. iii. p. 130.

Hopton, Sir Nicholas Slanning, Arundel, and Trevannion, undertook, at their own charges, to raise an army for the king; and their great interest in Cornwall soon enabled them to effect their purpose. The parliament, alarmed at this appearance of the royalists, gave a commission to Ruthven, a Scotchman, governor of Plymouth, to march with all the forces of Dorset, Somerset, and Devon, and make an entire conquest of Cornwall. The earl of Stamford followed him, at some distance, with a considerable supply. Ruthven, having entered Cornwall by bridges thrown over the Tamar, hastened to an action; lest Stamford should join him, and obtain the honor of that victory, which he looked for with assurance. The royalists, in like manner, were impatient to bring the affair to a decision, before Ruthven's army should receive so considerable a reinforcement. The battle was fought on Bradoc-down; and the king's forces, though inferior in number, gave a total defeat to their enemies. Ruthven, with a few broken troops, fled to Saltash; and when that town was taken, he escaped, with some difficulty, and almost alone, into Plymouth. Stamford retired, and distributed his forces into Plymouth and Exeter.

NOTWITHSTANDING these advantages, the extreme want both of money and ammunition, under which the Cornish royalists labored, obliged them to enter into a convention of neutrality with the parliamentary party in Devonshire; and this neutrality held all the winter-season. In the spring, it

C H A P. was broken by the authority of the two houses;
LVI. and war recommenced with great appearance
1643. of disadvantage to the king's party. Stamford, having assembled a strong body of near seven thousand men, well supplied with money, provisions, and ammunition, advanced upon the royalists, who were not half his number, and were oppressed by every kind of necessity. Despair, joined to the natural gallantry of these troops, commanded by the prime gentry of the county, made them resolve, by one vigorous effort, to overcome all these disadvantages. Stamford being encamped on the top of a high hill near Stratton, they attacked him in four divisions, at five in the morning, having lain all night under arms. One division was commanded by lord Mohun and Sir Ralph Hopton, another by Sir Bevil Granville and Sir John Berkeley, a third by Slanning and Trevannion, a fourth by Basset and Godolphin. In this manner the action began; the king's forces pressing with vigor those four ways up the hill, and their enemies obstinately defending themselves. The fight continued with doubtful success, till word was brought to the chief officers of the Cornish, that their ammunition was spent to less than four barrels of powder. This defect, which they concealed from the soldiers, they resolved to supply by their valor. They agreed to advance without firing till they should reach the top of the hill, and could be on equal ground with the enemy. The courage of the officers was so well seconded by the soldiers, that the royalists began on all sides

Battle of
 Stratton.
 May 16th.

to gain ground. Major-general Chidley, who commanded the parliamentary army (for Stamford kept at a distance) failed not in his duty; and when he saw his men recoil, he himself advanced with a good stand of pikes, and, piercing into the thickest of the enemy, was at last overpowered by numbers and taken prisoner. His army, upon this disaster, gave ground apace; insomuch that the four parties of the royalists, growing nearer and nearer as they ascended, at length met together upon the plain at the top; where they embraced with great joy, and signalized their victory with loud shouts and mutual congratulations⁴⁰.

C H A P.
LVI.
1643.

AFTER this success, the attention both of king and parliament was turned towards the west, as to a very important scene of action. The king sent thither the marquis of Hertford and prince Maurice with a reinforcement of cavalry; who, having joined the Cornish army, soon over-ran the county of Devon; and advancing into that of Somerset, began to reduce it to obedience. On the other hand, the parliament, having supplied Sir William Waller, in whom they much trusted, with a complete army, dispatched him westwards, in order to check the progress of the royalists. After some skirmishes, the two armies met at Lansdown, near Bath, and fought a pitched battle, with great loss on both sides, but with-

Battle of
Lansdown.
5th July.

⁴⁰ Rushworth, vol. vi. p. 267. 273. Clarendon, vol. iii. p. 269. 279.

CHAP. out any decisive event⁴¹. The gallant Granville
 LVI. was there killed ; and Hopton, by the blowing
 1643. up of some powder, was dangerously hurt. The
 royalists next attempted to march eastwards, and
 to join their forces to the king's at Oxford : But
 Waller hung on their rear, and infested their
 march till they reached the Devizes. Reinforced
 by additional troops, which flocked to him from
 all quarters ; he so much surpassed the royalists
 in number, that they durst no longer continue
 their march, or expose themselves to the hazard
 of an action. It was resolved, that Hertford
 and prince Maurice should proceed with the
 cavalry ; and, having procured a reinforcement
 from the king, should hasten back to the relief
 of their friends. Waller was so confident of
 taking this body of infantry, now abandoned
 by the horse, that he wrote to the parliament,
 that their work was done, and that, by the
 next post, he would inform them of the number
 and quality of the prisoners. But the king, even
 before Hertford's arrival, hearing of the great dif-
 ficulties, to which his western army was reduced,
 had prepared a considerable body of cavalry,
 which he immediately dispatched to their succour,
 under the command of lord Wilmot. Waller
 drew up on Roundway-down, about two miles
 from the Devizes ; and advancing with his
 cavalry to fight Wilmot, and prevent his con-
 junction with the Cornish infantry, was received

Battle of
 Roundway-
 down.
 43th July.

⁴¹ Rushworth, vol. vi. p. 284. Clarendon, vol. iii. p. 282.

with equal valor by the royalists. After a sharp action he was totally routed, and, flying with a few horse, escaped to Bristol. Wilmot, seizing the enemy's cannon, and having joined his friends, whom he came to relieve, attacked Waller's infantry with redoubled courage, drove them off the field, and routed and dispersed the whole army⁴².

C H A R.
LVI.
1643.

THIS important victory, following so quick after many other successes, struck great dismay into the parliament, and gave an alarm to their principal army commanded by Essex. Waller exclaimed loudly against that general, for allowing Wilmot to pass him, and proceed without any interruption to the succour of the distressed infantry at the Devizes. But Essex, finding that his army fell continually to decay after the siege of Reading, was resolved to remain upon the defensive; and the weakness of the king, and his want of all military stores, had also restrained the activity of the royal army. No action had happened in that part of England, except one skirmish, which, of itself, was of no great consequence, and was rendered memorable by the death alone of the famous Hambden.

COLONEL Urrey, a Scotchman, who served in the parliamentary army, having received some disgust, came to Oxford, and offered his services to the king. In order to prove the sincerity of his conversion, he informed Prince Rupert of

⁴² Rushworth, vol. vi. p. 285. Clarendon, vol. iii. p. 291.

C H A P. the loose disposition of the enemy's quarters, and
 LVI. exhorted him to form some attempt upon them.
 1643. The Prince, who was entirely fitted for that
 kind of service, falling suddenly upon the disper-
 sed bodies of Essex's army, routed two regiments
 of cavalry and one of infantry, and carried his
 ravages within two miles of the general's quarters.
 The alarm being given, every one mounted on
 horseback, in order to pursue the prince, to re-
 cover the prisoners, and to repair the disgrace,
 which the army had sustained. Among the rest,
 Hambden, who had a regiment of infantry that
 lay at a distance, joined the horse as a volunteer;
 and overtaking the royalists on Chalgrave field,
 entered into the thickest of the battle. By the
 bravery and activity of Rupert, the king's troops
 were brought off, and a great booty, together
 with two hundred prisoners, was conveyed to
 Oxford. But what most pleased the royalists,
 was, the expectation that some disaster had hap-
 pened to Hambden, their capital and much-dread-
 ed enemy. One of the prisoners taken in the
 action, said, that he was confident Mr. Hambden
 was hurt: For he saw him, contrary to his
 usual custom, ride off the field, before the action
 was finished; his head hanging down, and his
 hands leaning upon his horse's neck. Next day,
 the news arrived, that he was shot in the shoulder
 with a brace of bullets, and the bone broken.
 Some days after, he died, in exquisite pain, of
 his wound; nor could his whole party, had
 their army met with a total overthrow, have

Death of
 Hambden.

been thrown into greater consternation. The king himself so highly valued him, that, either from generosity or policy, he intended to have sent him his own surgeon to assist at his cure⁴³.

C H A P.
LVI.
1643.

MANY were the virtues and talents of this eminent personage; and his valor during the war, had shone out with a lustre equal to that of the other accomplishments, by which he had ever been distinguished. Affability in conversation; temper, art, and eloquence in debate; penetration and discernment in counsel; industry, vigilance, and enterprise in action; all these praises are unanimously ascribed to him by historians of the most opposite parties. His virtue too and integrity, in all the duties of private life, are allowed to have been beyond exception: We must only be cautious, notwithstanding his generous zeal for liberty, not hastily to ascribe to him the praises of a good citizen. Through all the horrors of civil war, he sought the abolition of monarchy, and subversion of the constitution; an end, which, had it been attainable by peaceful measures, ought carefully to have been avoided by every lover of his country. But whether, in the pursuit of this violent enterprise, he was actuated by private ambition, or by honest prejudices, derived from the former exorbitant powers of royalty, it belongs not to an historian of this age, scarcely even to an intimate friend, positively to determine⁴⁴.

⁴³ Warwick's Memoirs, p. 245. Clarendon, vol. i. p. 264.

⁴⁴ See note [I] at the end of the volume.

C H A P. ESSEX, discouraged by this event, dismayed
 LVI. by the total rout of Waller, was farther informed,
 1643. that the queen, who landed in Burlington-bay, had arrived at Oxford, and had brought from the north a reinforcement of three thousand foot and fifteen hundred horse. Dislodging from Thame and Aylesbury, where he had hitherto lain, he thought proper to retreat nearer to London, and he showed to his friends his broken and disheartened forces, which a few months before he had led into the field in so flourishing a condition. The king, freed from this enemy, sent his army westward under prince Rupert; and, by their conjunction with the Cornish troops, a formidable force, for numbers as well as reputation and valor, was composed. That an enterprize, correspondent to men's expectations, might be undertaken, the prince resolved to lay siege to Bristol, the second town for riches and greatness in the kingdom. Nathaniel Fiennes, son of lord Say, he himself, as well as his father, a great parliamentary leader, was governor, and commanded a garrison of two thousand five hundred foot, and two regiments, one of horse, another of dragoons. The fortifications not being complete or regular, it was resolved by prince Rupert to storm the city; and next morning, with little other provisions, suitable to such a work, besides the courage of the troops, the assault began. The Cornish, in three divisions, attacked the west side, with a resolution which nothing could controul: But though the middle

division had already mounted the wall, so great was the disadvantage of the ground, and so brave the defence of the garrison, that in the end the assailants were repulsed with a considerable loss both of officers and soldiers. On the prince's side, the assault was conducted with equal courage, and almost with equal loss, but with better success. One party, led by lord Grandison, was indeed beaten off, and the commander himself mortally wounded: Another, conducted by colonel Bellasis, met with a like fate: but Washington, with a less party, finding a place in the curtain weaker than the rest, broke in, and quickly made room for the horse to follow. By this irruption, however, nothing but the suburbs was yet gained: The entrance into the town was still more difficult: And by the loss already sustained, as well as by the prospect of farther danger, every one was extremely discouraged: When, to the great joy of the army, the city beat a parley. The garrison was allowed to march out with their arms and baggage, leaving their cannon, ammunition, and colors. For this instance of cowardice, Fiennes was afterwards tried by a court-martial, and condemned to lose his head; but the sentence was remitted by the general⁴⁵.

Bristol
taken.
25th July.

GREAT complaints were made of violences exercised on the garrison, contrary to the capi-

⁴⁵ Rushworth, vol. vi. p. 284. Clarendon, vol. iii. p. 293, 294, &c.

C H A P. LVI. 1643. tulation. An apology was made by the royalists, as if these were a retaliation for some violences, committed on their friends at the surrender of Reading. And under pretence of like retaliations, but really from the extreme animosity of the parties, were such irregularities continued during the whole course of the war ⁴⁶.

THE loss sustained by the royalists in the assault of Bristol, was considerable. Five hundred excellent soldiers perished. Among those of condition were Grandison, Slanning, Trevannion, and Moyle: Bellasis, Ashley, and Sir John Owen, were wounded: Yet was the success, upon the whole, so considerable as mightily raised the courage of the one party, and depressed that of the other. The king, to show that he was not intoxicated with good fortune, nor aspired to a total victory over the parliament, published a manifesto; in which he renewed the protestation, formerly taken, with great solemnity, at the head of his army, and expressed his firm intention of making peace upon the re-establishment of the constitution. Having joined the camp at Bristol, and sent prince Maurice with a detachment into Devonshire, he deliberated how to employ the remaining forces in an enterprise of moment. Some proposed, and seemingly with reason, to march directly to London; where every thing was in confusion, where the army of the parliament was baffled, weakened, and dismayed, and where,

⁴⁶ Clarendon, ubi supra, p. 297.

it was hoped, either by an insurrection of the citizens, by victory, or by treaty, a speedy end might be put to the civil disorders. But this undertaking, by reason of the great number and force of the London militia, was thought by many to be attended with considerable difficulties. Gloucester, lying within twenty miles, presented an easier, yet a very important conquest. It was the only remaining garrison possessed by the parliament in those parts. Could that city be reduced, the king held the whole course of the Severn under his command; the rich and malecontent counties of the west, having lost all protection from their friends, might be forced to pay high contributions, as an atonement for their disaffection; an open communication could be preserved between Wales and these new conquests; and half of the kingdom, being entirely freed from the enemy, and thus united into one firm body, might be employed in re-establishing the king's authority throughout the remainder. These were the reasons for embracing that resolution; fatal, as it was ever esteemed, to the royal party ⁴⁷.

THE governor of Gloucester was one Massey, a soldier of fortune, who, before he engaged with the parliament, had offered his service to the king; and as he was free from the fumes of enthusiasm, by which most of the officers on that side were intoxicated, he would lend an ear, it was presumed, to proposals for accommodation.

C H A P.

LVI.

1643.

Siege of
Gloucester.

⁴⁷ Whitlocke, p. 69. May, book iii. p. 91.
VOL. IX. Y

C H A P. But Massey was resolute to preserve an entire
 LVI. fidelity to his masters; and though no enthusiast
 1643. himself, he well knew how to employ to advantage that enthusiastic spirit so prevalent in his
 10th Aug. city and garrison. The summons to surrender allowed two hours for an answer: But before that time expired, there appeared before the king, two citizens, with lean, pale, sharp, and dismal visages: Faces, so strange and uncouth, according to lord Clarendon; figures, so habited and accoutred; as at once moved the most severe countenance to mirth, and the most chearful heart to sadness: It seemed impossible, that such messengers could bring less than a defiance. The men, without any circumstance of duty or good manners, in a pert, shrill, undismayed accent, said, that they brought an answer from the godly city of Gloucester: And extremely ready were they, according to the historian, to give insolent and seditious replies to any question; as if their business were chiefly, by provoking the king, to make him violate his own safe conduct. The answer from the city was in these words:
 “ We the inhabitants, magistrates, officers and
 “ soldiers, within the garrison of Gloucester, unto
 “ his Majesty’s gracious message, return this
 “ humble answer: That we do keep this city,
 “ according to our oaths and allegiance, to and
 “ for the use of his majesty and his royal posterity:
 “ And do accordingly conceive ourselves wholly
 “ bound to obey the commands of his majesty
 “ signified by both houses of parliament: And

“are resolved by God’s help to keep this city
“accordingly⁴⁸.” After these preliminaries, the
siege was resolutely undertaken by the army,
and as resolutely sustained by the citizens and
garrison.

C H A R.
LVI.
1643.

WHEN intelligence of the siege of Gloucester arrived in London, the consternation among the inhabitants was as great as if the enemy were already at their gates. The rapid progress of the royalists threatened the parliament with immediate subjection: The factions and discontents, among themselves, in the city, and throughout the neighbouring counties, prognosticated some dangerous division or insurrection. Those parliamentary leaders, it must be owned, who had introduced such mighty innovations into the English constitution, and who had projected so much greater, had not engaged in an enterprise which exceeded their courage and capacity. Great vigor, from the beginning, as well as wisdom, they had displayed in all their counsels; and a furious, headstrong body, broken loose from the restraint of law, had hitherto been retained in subjection under their authority, and firmly united by zeal and passion, as by the most legal and established government. A small committee, on whom the two houses devolved their power, had directed all their military operations, and had preserved a secrecy in deliberation, and a prompt-

⁴⁸ Rushworth, vol. vi. p. 287. Clarendon, vol. iii. p. 315. May, book iii. p. 96.

C H A P. titude in execution, beyond what the king, not-
 LVI. withstanding the advantages possessed by a single
 1643. leader, had ever been able to attain. Sensible
 that no jealousy was by their partisans entertained
 against them, they had on all occasions exerted
 an authority much more despotic than the royalists,
 even during the pressing exigences of war, could
 with patience endure in their sovereign. Whoever
 incurred their displeasure, or was exposed to their
 suspicions, was committed to prison, and pro-
 secuted under the notion of delinquency: After
 all the old jails were full, many new ones were
 erected; and even the ships were crowded with
 the royalists, both gentry and clergy, who
 languished below decks, and perished in those
 unhealthy confinements: They imposed taxes,
 the heaviest, and of the most unusual nature, by
 an ordinance of the two houses: They voted a
 commission for sequestrations; and they seized,
 wherever they had power, the revenues of all
 the king's party⁴⁹: And knowing that themselves,
 and all their adherents, were, by resisting the
 prince, exposed to the penalties of law, they
 resolved, by a severe administration, to overcome
 these terrors, and to retain the people in obedience,
 by penalties of a more immediate execution. In
 the beginning of this summer, a combination,

⁴⁹ The king afterwards copied from this example; but,
 as the far greater part of the nobility and landed gentry
 were his friends, he reaped much less profit from this
 measure.

formed against them in London, had obliged them to exert the plenitude of their authority.

C H A P.

LVI.

1643.

EDMOND WALLER, the first refiner of English versification, was a member of the lower house; a man of considerable fortune, and not more distinguished by his poetical genius than by his parliamentary talents, and by the politeness and elegance of his manners. As full of keen satire and invective in his eloquence, as of tenderness and panegyric in his poetry, he caught the attention of his hearers, and exerted the utmost boldness in blaming those violent counsels, by which the commons were governed. Finding all opposition within doors to be fruitless, he endeavoured to form a party without, which might oblige the parliament to accept of reasonable conditions, and restore peace to the nation. The charms of his conversation, joined to his character of courage and integrity, had procured him the entire confidence of Northumberland, Conway, and every eminent person of either sex who resided in London. They opened their breast to him without reserve, and expressed their disapprobation of the furious measures pursued by the commons, and their wishes that some expedient could be found for stopping so impetuous a career. Tomkins, Waller's brother-in-law, and Chaloner, the intimate friend of Tomkins, had entertained like sentiments: And as the connexions of these two gentlemen lay chiefly in the city, they informed Waller, that the same abhorrence of war prevailed there, among all men of reason and

C H A P. moderation. Upon reflection, it seemed not
 LVI. impracticable that a combination might be formed
 1643. between the lords and citizens; and, by mutual
 concert, the illegal taxes be refused, which the
 parliament, without the royal assent, imposed on
 the people. While this affair was in agitation,
 and lists were making of such as they conceived
 to be well affected to their design; a servant of
 Tomkins, who had overheard their discourse,
 immediately carried intelligence to Pym. Waller,
 Tomkins, and Chaloner were seized, and tried
 by a court-martial⁵⁰. They were all three con-
 demned, and the two latter executed on gibbets
 erected before their own doors. A covenant, as
 a test, was taken⁵¹ by the lords and commons,
 and imposed on their army, and on all who lived
 within their quarters. Besides resolving to amend
 and reform their lives, the covenanters there vow,
 that they will never lay down their arms so long
 as the papists, now in open war against the par-
 liament, shall, by force of arms, be protected
 from justice; they express their abhorrence of the
 late conspiracy; and they promise to assist to the
 utmost the forces raised by both houses, against
 the forces levied by the king⁵².

WALLER, as soon as imprisoned, sensible of
 the great danger into which he had fallen, was
 so seized with the dread of death, that all his

⁵⁰ Rush. vol. vi. p. 326. Clarendon, vol. iii. p. 249, 250, &c.

⁵¹ 6th June.

⁵² Rush. vol. vi. p. 325. Clarendon, vol. ii. p. 255.

former spirit deserted him; and he confessed whatever he knew, without sparing his most intimate friends, without regard to the confidence reposed in him, without distinguishing between the negligence of familiar conversation and the schemes of a regular conspiracy. With the most profound dissimulation, he counterfeited such remorse of conscience, that his execution was put off, out of mere christian compassion, till he might recover the use of his understanding. He invited visits from the ruling clergy of all sects; and while he expressed his own penitence, he received their devout exhortations with humility and reverence, as conveying clearer conviction and information than in his life he had ever before attained. Presents too, of which, as well as of flattery, these holy men were not insensible, were distributed among them; as a small retribution for their prayers and ghostly counsel. And by all these artifices, more than from any regard to the beauty of his genius, of which, during that time of furious cant and faction, small account would be made, he prevailed so far as to have his life spared, and a fine of ten thousand pounds accepted in lieu of it⁵³.

THE severity, exercised against the conspiracy or rather project of Waller, increased the authority of the parliament, and seemed to ensure them against like attempts for the future. But

⁵³ Whitlocke, p. 66. Rushworth, vol. vi. p. 330. Clarendon, vol. iii. p. 253, 254, &c.

C H A P. by the progress of the king's arms, the defeat of
 LVI. Sir William Waller, the taking of Bristol, the
 1643. siege of Gloucester, a cry for peace was renewed,
 and with more violence than ever. Crowds of
 women, with a petition for that purpose, flocked
 about the house, and were so clamorous and
 importunate, that orders were given for dispers-
 ing them; and some of the females were killed
 in the fray⁵⁴. Bedford, Holland, and Conway,
 had deserted the parliament, and had gone to
 Oxford; Clare and Lovelace had followed them⁵⁵.
 Northumberland had retired to his country-seat:
 Essex himself showed extreme dissatisfaction, and
 exhorted the parliament to make peace⁵⁶. The
 upper house sent down terms of accommodation,
 more moderate than had hitherto been insisted
 on. It even passed by a majority among the
 commons, that these proposals should be trans-
 mitted to the king. The zealots took the alarm.
 A petition against peace was framed in the city,
 and presented by Pennington, the factious mayor.
 Multitudes attended him, and renewed all the
 former menaces against the moderate party⁵⁷.
 The pulpits thundered, and rumors were spread
 of twenty thousand Irish, who had landed, and
 were to cut the throat of every protestant⁵⁸.
 The majority was again turned to the other
 side; and all thoughts of pacification being drop-

⁵⁴ Rushworth, vol. vi. p. 357. ⁵⁵ Whitlocke, p. 67.

⁵⁶ Rushworth, vol. vi. p. 200. ⁵⁷ Idem, ibid. p. 356.

⁵⁸ Clarendon, vol. iii. p. 320. Rushworth, vol. vi. p. 588.

ped, every preparation was made for resistance, and for the immediate relief of Gloucester, on which the parliament was sensible, all their hopes of success in the war did so much depend.

C H A P.

LVI.

1643.

MASSEY, resolute to make a vigorous defence, and having under his command a city and garrison ambitious of the crown of martyrdom, had hitherto maintained the siege with courage and abilities, and had much retarded the advances of the king's army. By continual sallies, he infested them in their trenches, and gained sudden advantages over them : By disputing every inch of ground, he repressed the vigor and alacrity of their courage, elated by former successes. His garrison, however, was reduced to the last extremity ; and he failed not, from time to time, to inform the parliament, that, unless speedily relieved, he should be necessitated, from the extreme want of provisions and ammunition, to open his gates to the enemy.

THE parliament, in order to repair their broken condition, and put themselves in a posture of defence, now exerted to the utmost their power and authority. They voted that an army should be levied under Sir William Waller, whom, notwithstanding his misfortunes, they loaded with extraordinary caresses. Having associated in their cause the counties of Hertford, Essex, Cambridge, Norfolk, Suffolk, Lincoln, and Huntingdon, they gave the earl of Manchester a commission to be general of the association, and appointed an army to be levied under his command. But,

C. H. A. P. above all, they were intent that Essex's army on
 LVI. which their whole fortune depended, should be
 1643. put in a condition of marching against the king. They excited a fresh their preachers to furious declamations against the royal cause. They even employed the expedient of pressing, though abolished by a late law, for which they had strenuously contended⁵⁹. And they engaged the city to send four regiments of its militia to the relief of Gloucester. All shops, meanwhile, were ordered to be shut; and every man expected, with the utmost anxiety, the event of that important enterprise⁶⁰.

ESSEX, carrying with him a well appointed army of 14,000 men, took the road of Bedford and Leicester; and, though inferior in cavalry, yet, by the mere force of conduct and discipline, he passed over those open champaign countries, and defended himself from the enemy's horse, who had advanced to meet him, and who infested him during his whole march. As he approached to Gloucester, the king was obliged to raise the siege, and open the way for Essex to enter that city. The necessities of the garrison were extreme. One barrel of powder was their whole stock of ammunition remaining; and their other provisions were in the same proportion. Essex had brought with him military stores; and the neighbouring country abundantly supplied him with victuals of every kind. The inhabitants had carefully con-

⁵⁹ Rushworth, vol. vi. p. 292. ⁶⁰ Idem, ibid.

sealed all provisions from the king's army, and, pretending to be quite exhausted, had reserved their stores for that cause, which they so much favored⁶¹.

C H A P.
LVI.
1643.

THE chief difficulty still remained. Essex dreaded a battle with the king's army, on account of its great superiority in cavalry; and he resolved to return, if possible, without running that hazard. He lay five days at Tewkesbury, which was his first stage after leaving Gloucester; and he feigned, by some preparations, to point towards Worcester. By a forced march during the night, he reached Cirencester, and obtained the double advantage of passing unmolested an open country, and of surprising a convoy of provisions, which lay in that town⁶². Without delay, he proceeded towards London; but, when he reached Newbury, he was surprised to find, that the king, by hasty marches, had arrived before him, and was already possessed of the place.

AN action was now unavoidable; and Essex prepared for it with presence of mind, and not without military conduct. On both sides, the battle was fought with desperate valor and a steady bravery. Essex's horse were several times broken by the king's, but his infantry maintained themselves in firm array; and, besides giving a continued fire, they presented an invincible rampart of pikes against the furious shock of prince

20th Sept.

Battle of
Newbury.

⁶¹ Clarendon, vol. iii. p. 344.

⁶² Rushworth, vol. vi. p. 292.

C H A P. Rupert, and those gallant troops of gentry, of
 LVI. which the royal cavalry was chiefly composed.
 1643. The militia of London especially, though utterly
 unacquainted with action, though drawn but a
 few days before from their ordinary occupations,
 yet having learned all military exercises, and
 being animated with unconquerable zeal for the
 cause, in which they were engaged, equalled,
 on this occasion, what could be expected from
 the most veteran forces. While the armies were
 engaged with the utmost ardor, night put an
 end to the action, and left the victory undecided.
 Next morning, Essex proceeded on his march;
 and though his rear was once put in some dis-
 order by an incursion of the king's horse, he reached
 London in safety, and received applause for his
 conduct and success in the whole enterprise. The
 king followed him on his march; and having
 taken possession of Reading, after the earl left
 it, he there established a garrison; and straitened,
 by that means, London and the quarters of the
 enemy⁶³.

IN the battle of Newbury, on the part of the
 king, besides the earls of Sunderland and Car-
 narvon, two noblemen of promising hopes, was
 unfortunately slain, to the regret of every lover
 of ingenuity and virtue throughout the kingdom,
 Lucius Cary, viscount Falkland, secretary of state.
 Before assembling the present parliament, this
 man, devoted to the pursuits of learning, and

⁶³ Rushworth, vol. vi. p. 293. Clarendon, vol. iii. p. 347.

to the society of all the polite and elegant, had enjoyed himself in every pleasure, which a fine genius, a generous disposition, and an opulent fortune could afford. Called into public life, he stood foremost in all attacks on the high prerogatives of the crown; and displayed that masculine eloquence, and undaunted love of liberty, which, from his intimate acquaintance with the sublime spirits of antiquity, he had greedily imbibed. When civil convulsions proceeded to extremities, and it became requisite for him to chuse his side; he tempered the ardor of his zeal, and embraced the defence of those limited powers, which remained to monarchy, and which he deemed necessary for the support of the English constitution. Still anxious, however, for his country, he seems to have dreaded the too prosperous success of his own party as much as of the enemy; and, among his intimate friends, often after a deep silence, and frequent sighs, he would, with a sad accent, re-iterate the word, *Peace*. In excuse for the too free exposing of his person, which seemed unsuitable in a secretary of state, he alledged, that it became him to be more active than other men in all hazardous enterprizes, lest his impatience for peace might bear the imputation of cowardice or pusillanimity. From the commencement of the war, his natural chearfulness and vivacity became clouded; and even his usual attention to dress, required by his birth and station, gave way to a negligence, which was easily observable. On the morning

C H A P.

LVI.

1643.

C. H. A. P. of the battle in which he fell, he had shown some
 LVI. care of adorning his person ; and gave for a
 1643. reason, that the enemy should not find his body
 in any slovenly, indecent situation. "I am weary,"
 subjoined he, "of the times, and foresee much
 "misery to my country ; but believe, that I shall
 "be out of it ere night". This excellent per-
 son was but thirty four years of age, when a
 period was thus put to his life.

THE loss sustained on both sides in the battle
 of Newbury, and the advanced season, obliged
 the armies to retire into winter-quarters.

Actions in
 the north.

IN the north, during this summer, the great
 interest and popularity of the earl, now created
 marquis of Newcastle, had raised a considerable
 force for the king ; and great hopes of success
 were entertained from that quarter. There ap-
 peared, however, in opposition to him, two
 men, on whom the event of the war finally de-
 pended, and who began about this time to be
 remarked for their valor and military conduct.
 These were Sir Thomas Fairfax, son of the lord
 of that name, and Oliver Cromwel. The former
 gained a considerable advantage at Wakefield⁶⁵
 over a detachment of royalists, and took general
 Goring prisoner : The latter obtained a victory
 at Gainsborough⁶⁶ over a party commanded by the
 gallant Cavendish, who perished in the action.
 But both these defeats of the royalists were more

⁶⁵ Whitlocke, p. 70. Clarendon, vol. iii. p. 350, 351, &c.

⁶⁶ 21st of May.

⁶⁶ 31st of July.

than sufficiently compensated by the total rout of lord Fairfax at Atherton moor⁶⁷, and the dispersion of his army. After this victory, Newcastle, with an army of 15,000 men, sat down before Hull. Hotham was no longer governor of this place. That gentleman and his son, partly from a jealousy entertained of lord Fairfax, partly repenting of their engagements against the king, had entered into a correspondence with Newcastle, and had expressed an intention of delivering Hull into his hands. But their conspiracy being detected, they were arrested and sent prisoners to London; where, without any regard to their former services, they fell, both of them, victims to the severity of the parliament⁶⁸.

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NEWCASTLE, having carried on the attack of Hull for some time, was beat off by a sally of the garrison⁶⁹, and suffered so much, that he thought proper to raise the siege. About the same time, Manchester, who advanced from the eastern associated counties, having joined Cromwel and young Fairfax, obtained a considerable victory over the royalists at Horn Castle; where the two officers last mentioned gained renown by their conduct and gallantry. And though fortune had thus balanced her favors, the king's party still remained much superior in those parts of England; and had it not been for the garrison of Hull, which kept Yorkshire in awe, a conjunction

⁶⁷ 30th of June.

⁶⁹ 12th of October.

⁶⁸ Rushworth, vol. vi. p. 275.

C. H. A. P. of the northern forces with the army in the south
 LVI. might have been made, and had probably enabled
 1643. the king, instead of entering on the unfortunate,
 perhaps imprudent, enterprise of Gloucester, to
 march directly to London, and put an end to
 the war⁷⁰.

WHILE the military enterprises were carried on with vigor in England, and the event became every day more doubtful, both parties cast their eye towards the neighbouring kingdoms, and sought assistance for the finishing of that enterprise, in which their own forces experienced such furious opposition. The parliament had recourse to Scotland; the king, to Ireland.

WHEN the Scottish covenanters obtained that end, for which they so earnestly contended, the establishment of presbyterian discipline in their own country, they were not satisfied, but indulged still an ardent passion for propagating, by all methods, that mode of religion in the neighbouring kingdoms. Having flattered themselves, in the fervor of their zeal, that, by supernatural assistances, they should be enabled to carry their triumphant covenant to the gates of Rome itself, it behoved them first to render it prevalent in England, which already showed so great a disposition to receive it. Even in the articles of pacification, they expressed a desire of uniformity in worship with England; and the king, employing general expressions, had

⁷⁰ Warwick, p. 261. Walker, p. 278.

approved of this inclination, as pious and laudable. C H A P.
 No sooner was there an appearance of a rupture, LVI.
 than the English parliament, in order to allure 1643.
 that nation into a close confederacy, openly
 declared their wishes of ecclesiastical reformation,
 and of imitating the example of their northern
 brethren⁷¹. The war was actually commenced,
 the same artifices were used; and the Scots be-
 held, with the utmost impatience, a scene of
 action, of which they could not deem themselves
 indifferent spectators. Should the king, they
 said, be able, by force of arms, to prevail over
 the parliament of England, and re-establish his
 authority in that powerful kingdom, he will un-
 doubtedly retract all those concessions, which,
 with so many circumstances of violence and in-
 dignity, the Scots have extorted from him.
 Besides a sense of his own interest, and a regard
 to royal power, which has been entirely anni-
 hilated in this country; his very passion for pre-
 lacy and for religious ceremonies must lead him
 to invade a church, which he has ever been
 taught to regard as antichristian and unlawful.
 Let us but consider who the persons are that
 compose the factions, now so furiously engaged
 in arms. Does not the parliament consist of those
 very men, who have ever opposed all war with
 Scotland, who have punished the authors of our
 oppressions, who have obtained us the redress
 of every grievance, and who, with many honor-

⁷¹ Rushworth, vol. vi. p. 390. Clarendon, vol. iii. p. 68.

C H A P. able expressions, have conferred on us an ample
 LVI. reward for our brotherly assistance? And is not
 1643. the court full of papists, prelates, malignants;
 all of them zealous enemies to our religious model,
 and resolute to sacrifice their lives for the idol-
 atrous establishments? Not to mention our own
 necessary security; can we better express our
 gratitude to heaven for that pure light, with
 which we are, above all nations, so eminently
 distinguished, than by conveying the same divine
 knowledge to our unhappy neighbours, who are
 wading through a sea of blood in order to attain
 it? These were in Scotland the topics of every
 conversation: With these doctrines the pulpits
 echoed: And the famous curse of Meroz, that
 curse so solemnly denounced and re-iterated against
 neutrality and moderation, resounded from all
 quarters⁷².

THE parliament of England had ever invited
 the Scots, from the commencement of the civil
 dissensions, to interpose their mediation, which,
 they knew, would be so little favorable to the
 king: And the king, for that very reason, had
 ever endeavoured, with the least offensive ex-
 pressions, to decline it⁷³. Early this spring, the
 earl of Loudon, the chancellor, with other com-
 missioners, and attended by Henderson, a popular

⁷² Curse ye Meroz, said the angel of the Lord; curse
 ye bitterly the inhabitants thereof: Because they came not
 to the help of the Lord, to the help of the Lord against
 the mighty. Judges, chap. v. ver. 23.

⁷³ Rushworth, vol. vi. p. 398.

and intriguing preacher, was sent to the king at Oxford, and renewed the offer of mediation; but with the same success as before. The commissioners were also empowered to press the king on the article of religion, and to recommend to him the Scottish model of ecclesiastic worship and discipline. This was touching Charles in a very tender point: His honor, his conscience, as well as his interest, he believed to be intimately concerned in supporting prelacy and the liturgy⁷⁴. He begged the commissioners, therefore, to remain satisfied with the concessions which he had made to Scotland; and having modelled their own church according to their own principles, to leave their neighbours in the like liberty, and not to intermeddle with affairs, of which they could not be supposed competent judges⁷⁵.

THE divines of Oxford, secure, as they imagined, of a victory, by means of their authorities from church-history, their quotations from the fathers, and their spiritual arguments, desired a conference with Henderson, and undertook, by dint of reasoning, to convert that great apostle of the north: But Henderson, who had ever regarded as impious the least doubt with regard to his own principles, and who knew of a much better way to reduce opposers than by employing any theological topics, absolutely refused all disputation or controversy. The English

⁷⁴ See note [K] at the end of the volume.

⁷⁵ Rush. vol. vi. p. 462.

C H A P. divines went away, full of admiration at the
 LVI. blind assurance and bigotted prejudices of the
 1643. man: He, on his part, was moved with equal wonder at their obstinate attachment to such palpable errors and delusions.

By the concessions, which the king had granted to Scotland, it became necessary for him to summon a parliament once in three years; and in June of the subsequent year, was fixed the period for the meeting of that assembly. Before that time elapsed, Charles flattered himself, that he should be able, by some decisive advantage, to reduce the English parliament to a reasonable submission, and might then expect with security the meeting of a Scottish parliament. Though earnestly solicited by Loudon to summon presently that great council of the nation, he absolutely refused to give authority to men, who had already excited such dangerous commotions, and who showed still the same disposition to resist and invade his authority. The commissioners, therefore, not being able to prevail in any of their demands, desired the king's passport for London, where they purposed to confer with the English parliament⁷⁶; and being likewise denied this request, they returned with extreme dissatisfaction to Edinburgh.

THE office of conservators of the peace was newly erected in Scotland, in order to maintain the confederacy between the two kingdoms; and

⁷⁶ Rush. vol. vi. p. 406.

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these, instigated by the clergy, were resolved, since they could not obtain the king's consent, to summon, in his name, but by their own authority, a convention of states; and to bereave their sovereign of this article, the only one which remained, of his prerogative. Under color of providing for national peace, endangered by the neighbourhood of English armies, was a convention called ²⁷; an assembly, which, though it meets with less solemnity, has the same authority as a parliament, in raising money and levying forces. Hamilton and his brother the earl of Laneric, who had been sent into Scotland, in order to oppose these measures, wanted either authority or sincerity; and passively yielded to the torrent. The general assembly of the church met at the same time with the convention; and exercising an authority almost absolute over the whole civil power, made every political consideration yield to their theological zeal and prejudices.

THE English parliament was, at that time, fallen into great distress, by the progress of the royal arms; and they gladly sent to Edinburgh commissioners, with ample powers, to treat of a nearer union and confederacy with the Scottish nation. The persons employed were the earl of Rutland, Sir William Armyne, Sir Henry Vane the younger, Thomas Hatcher, and Henry Darley, attended by Marshal and Nye, two

²⁷ 22d of June.

O H A P. clergymen of signal authority⁷⁸. In this nego-
 LVI. ciation, the man chiefly trusted was Vane,
 1643. who, in eloquence, address, capacity, as well
 as in art and dissimulation, was not surpassed by
 any one, even during that age, so famous for
 active talents. By his persuasion was framed at
 Solemn
 league and
 covenant, Edinburgh, that SOLEMN LEAGUE AND COVENANT;
 which effaced all former protestations and vows
 taken in both kingdoms; and long maintained
 its credit and authority. In this covenant, the
 subscribers, besides engaging mutually to defend
 each other against all opponents, bound them-
 selves to endeavour, without respect of persons,
 the extirpation of popery and prelacy, superstition,
 heresy, schism, and profaneness, to maintain the
 rights and privileges of parliaments, together with
 the king's authority; and to discover and bring
 to justice all incendiaries and malignants⁷⁹.

THE subscribers of the covenant vowed also to
 preserve the reformed religion established in the
 church of Scotland: but by the artifice of Vane
 no declaration more explicit was made with re-
 gard to England and Ireland, than that these
 kingdoms should be reformed, according to the
 word of God and the example of the purest
 churches. The Scottish zealots, when prelacy
 was abjured, deemed this expression quite free
 from ambiguity, and regarded their own model

⁷⁸ Whitloke, p. 73. Rush. vol. vi. p. 466. Clarendon, vol. iii. p. 300.

⁷⁹ Rush. vol. vi. p. 478. Clarendon, vol. iii. p. 373.

as the only one, which corresponded, in any degree, to such a description : But that able politician had other views ; and while he employed his great talents in over-reaching the presbyterians, and secretly laughed at their simplicity, he had blindly devoted himself to the maintenance of systems, still more absurd and more dangerous.

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IN the English parliament there remained some members, who, though they had been induced, either by private ambition or by zeal for civil liberty, to concur with the majority, still retained an attachment to the hierarchy and to the ancient modes of worship. But in the present danger, which threatened their cause, all scruples were laid aside ; and the covenant, by whose means alone they could expect to obtain so considerable a reinforcement as the accession of the Scottish nation, was received without opposition. The parliament, therefore, having first subscribed it themselves, ordered it to be received by all who lived under their authority.

Sept. 17.

GREAT were the rejoicings among the Scots, that they should be the happy instruments of extending their mode of religion, and dissipating that profound darkness, in which the neighbouring nations were involved. The general assembly applauded this glorious imitation of the piety displayed by their ancestors, who, they said, in three different applications, during the reign of Elizabeth, had endeavoured to engage the English, by persuasion, to lay aside the use of the sur-

C H A P. plice, tippet, and corner-cap⁸⁰. The convention
LVI. too, in the height of their zeal, ordered every
1643. one to swear to this covenant, under the penalty
 of confiscation; beside what farther punishment
 it should please the ensuing parliament to inflict
 on the refusers, as enemies to God, to the king,
 and to the kingdom. And being determined,
 that the sword should carry conviction to all re-
 fractory minds, they prepared themselves, with
 great vigilance and activity, for their military
 enterprises. By means of a hundred thousand
 pounds, which they received from England;
 by the hopes of good pay and warm quarters;
 not to mention men's favorable disposition towards
 the cause; they soon completed their levies. And
 having added, to their other forces, the troops
 which they had recalled from Ireland, they were
 ready, about the end of the year, to enter
 England, under the command of their old general,
 the earl of Leven, with an army of above twenty
 thousand men⁸¹.

Arming of
the Scots.

THE king, foreseeing this tempest, which was
 gathering upon him, endeavoured to secure him-
 self by every expedient; and he cast his eye to-
 wards Ireland, in hopes that this kingdom,
 from which his cause had already received so much
 prejudice, might at length contribute somewhat
 towards his protection and security.

State of
Ireland.

AFTER the commencement of the Irish insur-

⁸⁰ Rushworth. vol. vi. p. 388.

⁸¹ Clarendon, vol. iii. p. 383.

rection, the English parliament, though they C H A P.
 undertook the suppression of it, had ever been LVI.
 too much engaged, either in military projects or 1643.
 expeditions at home, to take any effectual step
 towards finishing that enterprize. They had
 entered indeed into a contract with the Scots,
 for sending over an army of ten thousand men
 into Ireland; and in order to engage that nation
 in this undertaking, beside giving a promise of
 pay, they agreed to put Caricfergus into their
 hands, and to invest their general with an authority
 quite independent of the English government.
 These troops, so long as they were allowed to
 remain, were useful, by diverting the force of
 the Irish rebels, and protecting in the north the
 small remnants of the British planters. But except
 this contract with the Scottish nation, all the
 other measures of the parliament either were
 hitherto absolutely insignificant, or tended rather
 to the prejudice of the protestant cause in Ireland.
 By continuing their violent persecution, and still
 more violent menaces against priests and papists,
 they confirmed the Irish catholics in their re-
 bellion, and cut off all hopes of indulgence and
 toleration. By disposing beforehand of all the
 Irish forfeitures to subscribers or adventurers, they
 rendered all men of property desperate, and
 seemed to threaten a total extirpation of the
 natives²². And while they thus infused zeal and

²² A thousand acres in Ulster were given to every one
 that subscribed 200 pounds, in Connaught to the subscribers
 of 350, in Munster for 450, in Leinster for 600.

C H A P. animosity into the enemy, no measure was pur-
 LVI. sued, which could tend to support or encourage
 1643. the protestants, now reduced to the last extremities.

So great is the ascendant, which, from a long course of successes, the English has acquired over the Irish nation, that though the latter, when they receive military discipline among foreigners, are not surpassed by any troops, they have never, in their own country, been able to make any vigorous effort for the defence or recovery of their liberties. In many rencounters, the English, under lord More, Sir William St. Leger, Sir Frederic Hamilton, and others, had, though under great disadvantages of situation and numbers, put the Irish to rout, and returned in triumph to Dublin. The rebels raised the siege of Tredah, after an obstinate defence made by the garrison⁸³. Ormond had obtained two complete victories, at Kilrush and Ross; and had brought relief to all the forts, which were besieged or blockaded in different parts of the kingdom⁸⁴. But notwithstanding these successes, even the most common necessities of life were wanting to the victorious armies. The Irish, in their wild rage against the British planters, had laid waste the whole kingdom, and were themselves totally unfit, from their habitual sloth and ignorance, to raise any convenience of human life. During the course of six months,

⁸³ Rushworth, vol. vi. p. 506.

⁸⁴ Idem, ibid. p. 512.

no supplies had come from England; except the fourth part of one small vessel's lading. Dublin, to save itself from starving, had been obliged to send the greater part of its inhabitants to England. The army had little ammunition, scarcely exceeding forty barrels of gun-powder; not even shoes or clothes; and for want of food the soldiers had been obliged to eat their own horses. And, though the distress of the Irish was not much inferior⁸⁵, besides that they were more hardened against such extremities, it was but a melancholy reflection, that the two nations, while they continued their furious animosities, should make desolate that fertile island, which might serve to the subsistence and happiness of both.

THE justices and council of Ireland had been engaged chiefly by the interest and authority of Ormond, to fall into an entire dependence on the king. Parsons, Temple, Loftus, and Meredith, who favored the opposite party, had been removed; and Charles had supplied their place by others, better affected to his service. A committee of the English house of commons, which had been sent over to Ireland, in order to conduct the affairs of that kingdom, had been excluded the council, in obedience to orders transmitted from the king⁸⁶. And these were reasons sufficient, besides the great difficulties,

⁸⁵ Rushworth, vol. vi. p. 555.

⁸⁶ Idem, ibid. p. 530. Clarendon, vol. iii. p. 167.

C H A P. under which they themselves labored, why the
 LVI. parliament was unwilling to send supplies to an
 1643. army, which, though engaged in a cause much
 favored by them, was commanded by their
 declared enemies. They even intercepted some
 small succours sent thither by the king.

THE king, as he had neither money, arms, ammunition, nor provisions to spare from his own urgent wants, resolved to embrace an expedient, which might at once relieve the necessities of the Irish protestants, and contribute to the advancement of his affairs in England. A truce with the rebels, he thought, would enable his subjects in Ireland to provide for their own support, and would procure him the assistance of the army against the English parliament. But as a treaty with a people, so odious for their barbarities, and still more for their religion, might be represented in invidious colors, and renew all those calumnies, with which he had been loaded; it was necessary to proceed with great caution in conducting that measure. A remonstrance from the army was made to the Irish council, representing their intolerable necessities, and craving permission to leave the kingdom: And if that were refused, *We must have recourse, they said, to that first and primary law, with which God has endowed all men, we mean the law of nature, which teaches every creature to preserve itself*⁸⁷. Memorials both

⁸⁷ Rushworth, vol. vi. p. 537.

to the king and parliament were transmitted by the justices and council, in which their wants and dangers are strongly set forth⁸⁸; and though the general expressions in these memorials might perhaps be suspected of exaggeration, yet from the particular facts mentioned, from the confession of the English parliament itself⁸⁹, and from the very nature of things, it is apparent that the Irish protestants were reduced to great extremities⁹⁰; and it became prudent in the king, if not absolutely necessary, to embrace some expedient, which might secure them, for a time, from the ruin and misery, with which they were threatened.

ACCORDINGLY, the king gave orders⁹¹ to Ormond and the justices to conclude, for a year, a cessation of arms with the council of Kilkenny, by whom the Irish were governed, and to leave both sides in possession of their present advantages. The parliament, whose business it was to find fault with every measure adopted by the opposite party, and who would not lose so fair an opportunity of reproaching the king with his favor to the Irish papists, exclaimed loudly against

⁸⁸ Rushworth, vol. vi. p. 538.

⁸⁹ Rush. vol. vi. p. 540.

⁹⁰ See farther Carte's Ormond, vol. iii. No. 113. 127, 128, 129. 134. 136. 141. 144. 149. 158, 159. All these papers put it past doubt, that the necessities of the English army in Ireland were extreme. See farther, Rush. vol. vi. p. 537. and Dugdale, p. 853, 854.

⁹¹ 7th September, See Rush, vol. vi. p. 537. 544. 547.

G. H. A. F. this cessation. Among other reasons, they insisted
 LVI. upon the divine vengeance, which England
 1643. might justly dread for tolerating antichristian idolatry, on pretence of civil contracts and political agreements⁹². Religion, though every day employed as the engine of their own ambitious purposes, was supposed too sacred to be yielded up to the temporal interests or safety of kingdoms.

AFTER the cessation, there was little necessity, as well as no means of subsisting the army in Ireland. The king ordered Ormond, who was entirely devoted to him, to send over considerable bodies of it to England. Most of them continued in his service: But a small part, having imbibed in Ireland a strong animosity against the catholics, and hearing the king's party universally reproached with popery, soon after deserted to the parliament.

SOME Irish catholics came over with these troops, and joined the royal army, where they continued the same cruelties and disorders, to which they had been accustomed⁹³. The parliament voted, that no quarter, in any action, should ever be given them: But prince Rupert, by making some reprisals, soon repressed this inhumanity⁹⁴.

⁹² Rushworth, vol. vi. p. 557.

⁹³ Whitlocke, p. 78. 103.

⁹⁴ Rush. vol. vi. p. 680. 783.

C H A P. L V I I.

Invasion of the Scots—Battle of Marston-moor—Battle of Cropredy-bridge—Essex's forces disarmed—Second battle of Newbury—Rise and character of the Independents—Self-denying ordinance—Fairfax, Cromwell—Treaty of Uxbridge—Execution of Laud.

THE king had hitherto, during the course of the war, obtained many advantages over the parliament, and had raised himself, from that low condition, into which he had at first fallen, to be nearly upon an equal footing with his adversaries. Yorkshire, and all the northern counties, were reduced by the marquis of Newcastle; and, excepting Hull, the parliament was master of no garrison in these quarters. In the west, Plymouth alone, having been in vain besieged by prince Maurice, resisted the king's authority: And had it not been for the disappointment in the enterprize of Gloucester, the royal garrisons had reached, without interruption, from one end of the kingdom to the other; and had occupied a greater extent of ground, than those of the parliament. Many of the royalists flattered themselves, that the same vigorous spirit, which had elevated them to the present height of power, would still favor their progress, and obtain them a final victory over their enemies:

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C H A P. But those who judged more soundly, observed,
 LVII. that, besides the accession of the whole Scottish
 1644. nation to the side of the parliament; the very
 principle, on which the royal successes had been
 founded, was every day acquired, more and
 more, by the opposite party. The king's troops,
 full of gentry and nobility, had exerted a valor
 superior to their enemies, and had hitherto been
 successful in almost every rencounter: But in pro-
 portion as the whole nation became warlike, by
 the continuance of civil discords, this advantage
 was more equally shared; and superior numbers,
 it was expected, must at length obtain the victory.
 The king's troops also, ill paid, and destitute
 of every necessary, could not possibly be retained
 in equal discipline with the parliamentary forces,
 to whom all supplies were furnished from un-
 exhausted stores and treasures¹. The severity of
 manners, so much affected by these zealous re-
 ligionists, assisted their military institutions; and
 the rigid inflexibility of character, by which the
 austere reformers of church and state were distin-
 guished, enabled the parliamentary chiefs to
 restrain their soldiers within stricter rules and more
 exact order. And while the king's officers indulged
 themselves even in greater licences, than those
 to which, during times of peace, they had been
 accustomed, they were apt, both to neglect their
 military duty, and to set a pernicious example
 of disorder, to the soldiers under their command.

¹ Rush. vol. vi. p. 560.

AT the commencement of the civil war, all Englishmen, who served abroad, were invited over, and treated with extraordinary respect: And most of them, being descended of good families, and by reason of their absence, unacquainted with the new principles, which depressed the dignity of the crown, had enlisted under the royal standard. But it is observable, that, though the military profession requires great genius, and long experience, in the principal commanders, all its subordinate duties may be discharged by ordinary talents, and from superficial practice. Citizens and country-gentlemen soon became excellent officers; and the generals of greatest fame and capacity happened, all of them, to spring up on the side of the parliament. The courtiers and great nobility, in the other party, checked the growth of any extraordinary genius among the subordinate officers; and every man there, as in a regular established government, was confined to the station, in which his birth had placed him.

THE king; that he might make preparations, during winter, for the ensuing campaign, summoned to Oxford all the members of either house, who adhered to his interests; and endeavoured to avail himself of the name of parliament, so passionately cherished by the English nation ². The house of peers was pretty full; and besides the nobility, employed in different parts of the kingdom, it contained twice as many members

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² Rush. vol. vi. p. 559.
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C H A P. as commonly voted at Westminster. The house
 LVII. of commons consisted of about 140; which amount-
 1644. ed not to above half of the other house of
 commons³.

So extremely light had government hitherto lain upon the people, that the very name of *excise* was unknown to them; and among the other evils arising from these domestic wars, was the introduction of that impost into England. The parliament at Westminster having voted an excise on beer, wine, and other commodities; those at Oxford imitated the example, and conferred that revenue on the king. And in order to enable him the better to recruit his army, they granted him the sum of 100,000 pounds, to be levied by way of loan upon the subject. The king circulated privy seals, countersigned by the speakers of both houses, requiring the loan of particular sums, from such persons as lived within his quarters⁴. Neither party had as yet got above the pedantry of reproaching their antagonists with these illegal measures.

THE Westminster-parliament passed a whimsical ordinance, commanding all the inhabitants of London and the neighbourhood, to retrench a meal a week, and to pay the value of it for the support of the public cause⁵. It is easily imagined, that, provided the money were paid, they troubled

³ Rushworth, vol. vi. p. 566. 574, 575.

⁴ Rush. vol. vi. p. 590.

⁵ Dugdale, p. 119. Rush. vol. vi. p. 748.

themselves but little about the execution of their ordinance.

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SUCH was the king's situation, that, in order to restore peace to the nation, he had no occasion to demand any other terms, than the restoring of the laws and constitution; the replacing him in the same rights which had ever been enjoyed by his predecessors; and the re-establishing, on its ancient basis, the whole frame of government, civil as well as ecclesiastical. And that he might facilitate an end, seemingly so desirable, he offered to employ means equally popular, an universal act of oblivion, and a toleration or indulgence to tender consciences. Nothing therefore could contribute more to his interests, than every discourse of peace, and every discussion of the conditions, upon which that blessing could be obtained. For this reason, he solicited a treaty, on all occasions, and desired a conference and mutual examination of pretensions, even when he entertained no hopes, that any conclusion could possibly result from it.

FOR like reasons, the parliament prudently avoided, as much as possible, all advances towards negotiation, and were cautious not to expose too easily to censure those high terms, which their apprehensions or their ambition made them previously demand of the king. Though their partisans were blinded with the thickest veil of religious prejudices, they dreaded to bring their pretensions to the test, or lay them open before the whole nation. In opposition to the sacred

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authority of the laws, to the venerable precedents of many ages, the popular leaders were ashamed to plead nothing but fears and jealousies, which were not avowed by the constitution, and for which, neither the personal character of Charles, so full of virtue, nor his situation, so deprived of all independent authority, seemed to afford any reasonable foundation. Grievances which had been fully redressed; powers, either legal or illegal, which had been entirely renounced; it seemed unpopular, and invidious, and ungrateful, any farther to insist on.

THE king, that he might abate the universal veneration, paid to the name of parliament, had issued a declaration, in which he set forth all the tumults, by which himself and his partisans in both houses had been driven from London; and he thence inferred, that the assembly at Westminster was no longer a free parliament, and, till its liberty were restored, was entitled to no authority. As this declaration was an obstacle to all treaty, some contrivance seemed requisite, in order to elude it.

A LETTER was written, in the foregoing spring, to the earl of Essex, and subscribed by the prince, the duke of York, and forty three noblemen*. They there exhort him to be an instrument of restoring peace, and to promote that happy end with those, by whom he was employed. Essex, though much disgusted with the parlia-

* Clarendon, vol. iii. p. 442. Rush. vol. vi. p. 566.
Whitlocke, p. 77.

ment, though apprehensive of the extremities to which they were driving, though desirous of any reasonable accommodation; yet was still more resolute to preserve an honorable fidelity to the trust reposed in him. He replied, that, as the paper sent him neither contained any address to the two houses of parliament, nor any acknowledgment of their authority, he could not communicate it to them. Like proposals had been reiterated by the king, during the ensuing campaign, and still met with a like answer from Essex⁷.

IN order to make a new trial for a treaty, the king, this spring, sent another letter directed to the lords and commons of parliament assembled at Westminster: But as he also mentioned, in the letter, the lords and commons of parliament assembled at Oxford, and declared, that his scope and intention was to make provision, that all the members of both houses might securely meet in a full and free assembly; the parliament, perceiving the conclusion implied, refused all treaty upon such terms⁸. And the king, who knew what small hopes there were of accommodation, would not abandon the pretensions, which he had assumed; nor acknowledge the two houses, more expressly, for a free parliament.

THIS winter the famous Pym died; a man as

⁷ Clarendon, vol. iii. p. 444. Rush. vol. vi p. 569, 570. Whitlocke, p. 94.

⁸ Clarendon, vol. iii. p. 449. Whitlocke, p. 79.

C H A P. much hated by one party, as respected by the
 LVII. other. At London, he was considered as the
 1644. victim to national liberty, who had abridged his
 life by incessant labors for the interests of his
 country⁹: At Oxford, he was believed to have
 been struck with an uncommon disease, and to
 have been consumed with vermin; as a mark of
 divine vengeance, for his multiplied crimes and
 treasons. He had been so little studious of im-
 proving his private fortune in those civil wars,
 of which he had been one principal author, that
 the parliament thought themselves obliged, from
 gratitude, to pay the debts which he had con-
 tracted¹⁰. We now return to the military opera-
 tions, which, during the winter, were carried
 on with vigor in several places, notwithstanding
 the severity of the season.

THE forces, brought from Ireland, were landed
 at Mostyne in North-Wales; and being put under
 the command of lord Biron, they besieged and
 took the castles of Hawarden, Beeston, Acton,
 and Deddington-house¹¹. No place in Cheshire
 or the neighbourhood now adhered to the parlia-
 ment, except Nantwich: And to this town Biron
 laid siege during the depth of winter. Sir Thomas
 Fairfax, alarmed at so considerable a progress
 of the royalists, assembled an army of 4000 men
 in Yorkshire, and having joined Sir William
 Brereton, was approaching to the camp of the

⁹ Whitlocke, p. 66. ¹⁰ Journ. 13th of February, 1643.

¹¹ Rushworth, vol. vi. p. 299.

enemy. Biron and his foldiers, elated with successes obtained in Ireland, had entertained the most profound contempt for the parliamentary forces, a disposition, which, if confined to the army, may be regarded as a good presage of victory; but if it extend to the general, is the most probable forerunner of a defeat. Fairfax suddenly attacked the camp of the royalists. The swelling of the river by a thaw divided one part of the army from the other. That part, exposed to Fairfax, being beaten from their post, retired into the church of Acton, and were all taken prisoners: The other retreated with precipitation¹². And thus was dissipated or rendered useless that body of forces, which had been drawn from Ireland; and the parliamentary party revived in those north-west counties of England.

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1644.

25th Jan.

Invasion
from Scot-
land.

THE invasion from Scotland was attended with consequences of much greater importance. The Scots, having summoned in vain the town of Newcastle, which was fortified by the vigilance of Sir Thomas Glenham, passed the Tyne; and faced the marquis of Newcastle, who lay at Durham with an army of 14,000 men¹³. After some military operations, in which that nobleman reduced the enemy to difficulties for forage and provisions, he received intelligence of a great disaster, which had befallen his forces in Yorkshire. Colonel Bellasis, whom he had left with a considerable body of troops, was totally routed

22d Feb.

¹² Rushworth, vol. vi. p. 301.

¹³ Ibid. p. 615.

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1644.
11th April.

at Selby, by Sir Thomas Fairfax, who had returned from Cheshire, with his victorious forces¹⁴. Afraid of being inclosed between two armies, Newcastle retreated; and Leven having joined Lord Fairfax, they sat down before York, to which the army of the loyalists had retired. But as the parliamentary and Scottish forces were not numerous enough to invest so large a town, divided by a river, they contented themselves with incommoding it by a loose blockade; and affairs remained, for some time, in suspense between these opposite armies¹⁵.

DURING this winter and spring, other parts of the kingdom had also been infested with war. Hopton, having assembled an army of 14,000 men, endeavoured to break into Suffex, Kent, and the southern association, which seemed well disposed to receive him. Waller fell upon him at Cherington, and gave him a defeat¹⁶ of considerable importance. In another quarter, siege being laid to Newark by the parliamentary forces, prince Rupert prepared himself for relieving a town of such consequence, which alone preserved the communication open between the king's southern and northern quarters¹⁷. With a small force, but that animated by his active courage, he broke through the enemy, relieved the town, and totally dissipated that army of the parliament¹⁸.

¹⁴ Rushworth, vol. vi. p. 618. ¹⁵ Idem, ibid. p. 620.
¹⁶ 29th of March. ¹⁷ Rushworth, vol. vi. p. 306.
¹⁸ 21st of March.

BUT though fortune seemed to have divided her favors between the parties, the king found himself, in the main, a considerable loser by this winter-campaign; and he prognosticated a still worse event from the ensuing summer. The preparations of the parliament were great, and much exceeded the slender resources, of which he was possessed. In the eastern association, they levied fourteen thousand men, under the earl of Manchester, seconded by Cromwell¹⁹. An army of ten thousand men, under Essex; another of nearly the same force under Waller, were assembled in the neighbourhood of London. The former was destined to oppose the king: The latter was appointed to march into the west, where prince Maurice, with a small army which went continually to decay, was spending his time in vain before Lyme, an inconsiderable town upon the sea-coast. The utmost efforts of the king could not raise above ten thousand men at Oxford; and on their sword chiefly, during the campaign, were these to depend for subsistence.

THE queen, terrified with the dangers, which every way environed her, and afraid of being inclosed in Oxford, in the middle of the kingdom, fled to Exeter, where she hoped to be delivered unmolested of the child, with which she was now pregnant, and whence she had the means of an easy escape into France, if pressed by the forces of the enemy. She knew the im-

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¹⁹ Rushworth, vol. vi. p. 621.

C H A P. placable hatred, which the parliament, on account
 LVII. of her religion and her credit with the king,
 1644. had all along borne her. Last summer, the commons had sent up to the peers an impeachment of high treason against her; because, in his utmost distresses, she had assisted her husband with arms and ammunition, which she had bought in Holland²⁰. And had she fallen into their hands, neither her sex, she knew, nor high station, could protect her against insults at least, if not danger, from those haughty republicans, who so little affected to conduct themselves by the maxims of gallantry and politeness.

FROM the beginning of these dissensions, the parliament, it is remarkable, had, in all things, assumed an extreme ascendant over their sovereign, and had displayed a violence and arrogated an authority, which, on his side, would not have been compatible, either with his temper or his situation. While he spoke perpetually of pardoning all *rebels*; they talked of nothing but the punishment of *delinquents* and *malignants*: While he offered a toleration and indulgence to tender consciences; they threatened the utter extirpation of prelacy: To his professions of lenity, they opposed declarations of rigor: And the more the ancient tenor of the laws inculcated a respectful subordination to the crown, the more careful were they, by their lofty pretensions, to cover that defect, under which they labored.

²⁰ Rushworth, vol. vi. p. 321.

THEIR great advantages in the north seemed to second their ambition, and finally to promise them success in their unwarrantable enterprises. Manchester, having taken Lincoln, had united his army to that of Leven and Fairfax; and York was now closely besieged by their combined forces. That town, though vigorously defended by Newcastle, was reduced to extremity; and the parliamentary generals, after enduring great losses and fatigues, flattered themselves, that all their labors would at last be crowned by this important conquest. On a sudden, they were alarmed by the approach of prince Rupert. This gallant commander, having vigorously exerted himself in Lancashire and Cheshire, had collected a considerable army; and joining Sir Charles Lucas, who commanded Newcastle's horse, hastened to the relief of York with an army of 20,000 men. The Scottish and parliamentary generals raised the siege, and drawing up on Marston-moor, purposed to give battle to the royalists. Prince Rupert approached the town by another quarter, and interposing the river Ouse between him and the enemy, safely joined his forces to those of Newcastle. The marquis endeavoured to persuade him, that, having so successfully effected his purpose, he ought to be content with the present advantages, and leave the enemy, now much diminished by their losses, and discouraged by their ill success, to dissolve by those mutual dissensions, which had begun

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1644.

C H A P. LVII. 1644. 2d July. Battle of Marston-moor.

to take place among them ²¹. The prince, whose martial disposition was not sufficiently tempered with prudence, nor softened by complaisance, pretending positive orders from the king, without deigning to consult with Newcastle, whose merits and services deserved better treatment, immediately issued orders for battle, and led out the army to Marston-moor ²². This action was obstinately disputed between the most numerous armies, that were engaged during the course of these wars; nor were the forces on each side much different in number. Fifty thousand British troops were led to mutual slaughter; and the victory seemed long undecided between them. Prince Rupert, who commanded the right wing of the royalists, was opposed to Cromwell ²³, who conducted the choice troops of the parliament, inured to danger under that determined leader, animated by zeal, and confirmed by the most rigid discipline. After a sharp combat, the cavalry of the royalists gave way, and such of the infantry, as stood next them, were likewise borne down, and put to flight. Newcastle's regiment alone, resolute to conquer or to perish, obstinately kept their ground, and maintained, by their dead bodies, the same order, in which they had at first been ranged. In the other wing, Sir Thomas Fairfax and Colonel Lambert, with

²¹ Life of the D. of Newcastle, p. 40.

²² Clarendon, vol. v. p. 506.

²³ Rushworth, part 3. vol. ii. p. 633.

some troops, broke through the royalists; and, transported by the ardor of pursuit, soon reached their victorious friends, engaged also in pursuit of the enemy. But after that tempest was past, Lucas, who commanded the royalists in this wing, restoring order to his broken forces, made a furious attack on the parliamentary cavalry, threw them into disorder, pushed them upon their own infantry, and put that whole wing to rout. When ready to seize on their carriages and baggage, he perceived Cromwel, who was now returned from pursuit of the other wing. Both sides were not a little surprised to find, that they must again renew the combat for that victory, which each of them thought they had already obtained. The front of the battle was now exactly counterchanged; and each army occupied the ground which had been possessed by the enemy at the beginning of the day. This second battle was equally furious and desperate with the first: But after the utmost efforts of courage by both parties, victory wholly turned to the side of the parliament. The prince's train of artillery was taken; and his whole army pushed off the field of battle²⁴.

THIS event was in itself a mighty blow to the king; but proved more fatal in its consequences. The marquis of Newcastle was entirely lost to the royal cause. That nobleman, the ornament of the court and of his order, had been engaged

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1644.

²⁴ Rushworth, vol. vi. p. 632. Whitlocke, p. 89.

CHAP. contrary to the natural bent of his disposition,
 LVII. into these military operations, merely by a high
 1644. sense of honor and a personal regard to his master.
 The dangers of war were disregarded by his
 valor; but its fatigues were oppressive to his
 natural indolence. Munificent and generous in
 his expense; polite and elegant in his taste;
 courteous and humane in his behaviour; he
 brought a great accession of friends and of credit
 to the party, which he embraced. But amidst all
 the hurry of action, his inclinations were secretly
 drawn to the soft arts of peace, in which he
 took delight; and the charms of poetry, music,
 and conversation often stole him from his rougher
 occupations. He chose Sir William Davenant, an
 ingenious poet, for his lieutenant-general: The
 other persons, in whom he placed confidence,
 were more the instruments of his refined pleasures,
 than qualified for the business which they under-
 took: And the severity and application, requi-
 site to the support of discipline, were qualities,
 in which he was entirely wanting²⁵.

WHEN prince Rupert, contrary to his advice,
 resolved on this battle, and issued all orders
 without communicating his intentions to him;
 he took the field, but, he said, merely as a
 volunteer; and, except by his personal courage,
 which shone out with lustre, he had no share in
 the action. Enraged to find, that all his successful
 labors were rendered abortive by one act of fatal

²⁵ Clarendon, vol. v. p. 507, 508. See Warwicke.

temerity, terrified with the prospect of renewing his pains and fatigue, he resolved no longer to maintain the few resources which remained to a desperate cause, and thought, that the same regard to honor, which had at first called him to arms, now required him to abandon a party, where he met with such unworthy treatment. Next morning early, he sent word to the prince, that he was instantly to leave the kingdom; and without delay, he went to Scarborough, where he found a vessel, which carried him beyond sea. During the ensuing years, till the restoration, he lived abroad in great necessity, and saw with indifference his opulent fortune sequestered by those who assumed the government of England. He disdained, by submission or composition, to show obedience to their usurped authority; and the least favorable censors of his merit allowed, that the fidelity and services of a whole life had sufficiently atoned for one rash action, into which his passion had betrayed him²⁶.

PRINCE Rupert, with equal precipitation, drew off the remains of his army, and retired into Lancashire. Glenham, in a few days, was obliged to surrender York; and he marched out his garrison with all the honors of war²⁷. Lord Fairfax, remaining in the city, established his government in that whole county, and sent a thousand horse into Lancashire, to join with the

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1644.

16th July.

²⁶ Clarendon, vol. v. p. 511.

²⁷ Rushworth, vol. vi. p. 638.

C H A P. parliamentary forces in that quarter, and attend
LVII. the motions of prince Rupert: The Scottish army
1644. marched northwards, in order to join the earl of
 Calender, who was advancing with ten thousand
 additional forces ²⁸; and to reduce the town of
 Newcastle, which they took by storm: The earl
 of Manchester, with Cromwel, to whom the
 fame of this great victory was chiefly ascribed,
 and who was wounded in the action, returned to
 the eastern association, in order to recruit his
 army ²⁹.

WHILE these events passed in the north, the
 king's affairs in the south were conducted with
 more success and greater abilities. Ruthven, a
 Scotchman, who had been created earl of Brent-
 ford, acted, under the king, as general.

THE parliament soon completed their two
 armies commanded by Essex and Waller. The
 great zeal of the city facilitated this undertaking.
 Many speeches were made to the citizens, by
 the parliamentary leaders, in order to excite their
 ardor. Hollis, in particular, exhorted them not
 to spare, on this important occasion, either their
 purses, their persons, or their prayers ³⁰; and,
 in general, it must be confessed, they were
 sufficiently liberal in all these contributions. The
 two generals had orders to march with their
 combined armies towards Oxford; and, if the
 king retired into that city, to lay siege to it,

²⁸ Whitlocke, p. 88. ²⁹ Rushworth, vol. vi. p. 641.

³⁰ Rushworth, vol. vi. p. 662.

and

and by one enterprize put a period to the war. The king, leaving a numerous garrison in Oxford, passed with dexterity between the two armies, which had taken Abington, and had inclosed him on both sides ³¹. He marched towards Worcester; and Waller received orders from Essex to follow him and watch his motions; while he himself marched into the west, in quest of prince Maurice. Waller had approached within two miles of the royal camp, and was only separated from it by the Severn, when he received intelligence, that the king was advanced to Beudly, and had directed his course towards Shrewsbury. In order to prevent him, Waller presently dislodged, and hastened by quick marches to that town; while the king, suddenly returning upon his own footsteps, reached Oxford; and having reinforced his army from that garrison, now in his turn marched out in quest of Waller. The two armies faced each other at Cropredy-bridge near Banbury; but the Charwell ran between them. Next day, the king decamped and marched towards Daventry. Waller ordered a considerable detachment to pass the bridge, with an intention of falling on the rear of the royalists. He was repulsed, routed, and pursued with considerable loss ³². Stunned and disheartened with this blow, his army decayed and melted away by desertion; and the

C H A P.
LVII.
1644.

Battle of
Cropredy-
bridge.
29th June.

³¹ 3d of June.

³² Rush. vol. vi. p. 676. Clarendon, vol. v. p. 497.
Sir Edw. Walker, p. 31.

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1644.

1st Sept.

Essex's
forces dis-
armed.

king thought he might safely leave it, and march westward against Essex. That general, having obliged prince Maurice to raise the siege of Lyme, having taken Weymouth and Taunton, advanced still in his conquests, and met with no equal opposition. The king followed him, and having re-inforced his army from all quarters, appeared in the field with an army superior to the enemy. Essex, retreating into Cornwall, informed the parliament of his danger, and desired them to send an army, which might fall on the king's rear. General Middleton received a commission to execute that service; but came too late. Essex's army, cooped up in a narrow corner at Lestithiel, deprived of all forage and provisions, and seeing no prospect of succour, was reduced to the last extremity. The king pressed them on one side; prince Maurice on another; Sir Richard Granville on a third. Essex, Robarts, and some of the principal officers, escaped in a boat to Plymouth: Balfour with his horse passed the king's out-posts, in a thick mist, and got safely to the garrisons of his own party. The foot under Skippon were obliged to surrender their arms, artillery, baggage and ammunition; and being conducted to the parliament's quarters, were dismissed. By this advantage, which was much boasted of, the king, besides the honor of the enterprize, obtained what he stood extremely in need of: The parliament, having preserved the men, lost what they could easily repair³³.

³³ Rushworth, vol. vi. p. 699, &c. Whitlocke, p. 98. Clarendon, vol. v. p. 524, 525. Sir Ed. Walker, p. 69, 70, &c.

No sooner did this intelligence reach London, than the committee of the two kingdoms, voted thanks to Essex for his fidelity, courage, and conduct; and this method of proceeding, no less politic than magnanimous, was preserved by the parliament throughout the whole course of the war. Equally indulgent to their friends and rigorous to their enemies, they employed, with success, these two powerful engines of reward and punishment, in confirmation of their authority.

THAT the king might have less reason to exult in the advantages, which he had obtained in the west, the parliament opposed to him very numerous forces. Having armed a-new Essex's subdued, but not disheartened troops, they ordered Manchester and Cromwel to march with their recruited forces from the eastern association; and joining their armies to those of Waller and Middleton, as well as of Essex, offer battle to the king. Charles chose his post at Newbury, where the parliamentary armies, under the Earl of Manchester, attacked him with great vigor; and that town was a second time the scene of the bloody animosities of the English. Essex's soldiers, exhorting one another to repair their broken honor, and revenge the disgrace of Lestithiel, made an impetuous assault on the royalists; and having recovered some of their cannon, lost in Cornwall, could not forbear embracing them with tears of joy. Though the king's troops defended themselves with valor, they were overpowered by numbers; and the

C H A P.
LVII.
1644.

Second bat-
tle of Newa-
bury.

27th Oct.

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LVII.
1644.

9th Nov.

night came very seasonably to their relief, and prevented a total overthrow. Charles, leaving his baggage and cannon in Dennington-castle, near Newbury, forthwith retreated to Wallingford, and thence to Oxford. There, prince Rupert and the earl of Northampton joined him, with considerable bodies of cavalry. Strengthened by this re-inforcement, he ventured to advance towards the enemy, now employed before Dennington-castle³⁴. Essex, detained by sickness, had not joined the army, since his misfortune in Cornwall. Manchester, who commanded, though his forces were much superior to those of the king, declined an engagement, and rejected Cromwel's advice, who earnestly pressed him not to neglect so favorable an opportunity of finishing the war. The king's army by bringing off their cannon from Dennington-castle, in the face of the enemy, seemed to have sufficiently repaired the honor which they had lost at Newbury; and Charles, having the satisfaction to excite, between Manchester and Cromwel, equal animosities with those which formerly took place between Essex and Waller³⁵, distributed his army into winter-quarters.

23d Nov.

THOSE contests among the parliamentary generals, which had disturbed their military operations, were renewed in London during the winter-season; and each being supported by his

³⁴ Rushworth, vol. vi. p. 721, &c.

³⁵ Rushworth, vol. vii. p. 1.

own faction, their mutual reproaches and accusations agitated the whole city and parliament. There had long prevailed, in that party, a secret distinction, which, though the dread of the king's power had hitherto suppressed it, yet, in proportion as the hopes of success became nearer and more immediate, began to discover itself, with high contest and animosity. The INDEPENDENTS, who had, at first, taken shelter and concealed themselves under the wings of the PRESBYTERIANS, now evidently appeared a distinct party, and betrayed very different views and pretensions. We must here endeavour to explain the genius of this party, and of its leaders, who henceforth occupy the scene of action.

DURING those times, when the enthusiastic spirit met with such honor and encouragement, and was the immediate means of distinction and preferment; it was impossible to set bounds to these holy fervors, or confine, within any natural limits, what was directed towards an infinite and a supernatural object. Every man, as prompted by the warmth of his temper, excited by emulation, or supported by his habits of hypocrisy, endeavoured to distinguish himself beyond his fellows, and to arrive at a higher pitch of saintship and perfection. In proportion to its degree of fanaticism, each sect became dangerous and destructive; and as the independents went a note higher than the presbyterians, they could less be restrained within any bounds

Rise and
character of
the Inde-
pendents.

C H A P. of temper and moderation. From this distinction,
LVII. as from a first principle, were derived, by a
1644 necessary consequence, all the other differences
 of these two sects.

THE independents rejected all ecclesiastical establishments, and would admit of no spiritual courts, no government among pastors, no interposition of the magistrate in religious concerns, no fixed encouragement annexed to any system of doctrines or opinions. According to their principles, each congregation, united voluntarily and by spiritual ties, composed, within itself, a separate church, and exercised a jurisdiction, but one destitute of temporal sanctions, over its own pastor and its own members. The election alone of the congregation was sufficient to bestow the sacerdotal character; and as all essential distinction was denied between the laity and the clergy, no ceremony, no institution, no vocation, no imposition of hands, was, as in all other churches, supposed requisite to convey a right to holy orders. The enthusiasm of the presbyterians led them to reject the authority of prelates, to throw off the restraint of liturgies, to retrench ceremonies, to limit the riches and authority of the priestly office: The fanaticism of the independents, exalted to a higher pitch, abolished ecclesiastical government, disdained creeds and systems, neglected every ceremony, and confounded all ranks and orders. The soldier, the merchant, the mechanic, indulging the fervors of zeal, and guided by the illapses of

the spirit, resigned himself to an inward and superior direction, and was consecrated, in a manner, by an immediate intercourse and communication with heaven.

C H A P.

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1644.

THE catholics, pretending to an infallible guide, had justified, upon that principle, their doctrine and practice of persecution: The presbyterians, imagining that such clear and certain tenets, as they themselves adopted, could be rejected only from a criminal and pertinacious obstinacy, had hitherto gratified, to the full, their bigotted zeal, in a like doctrine and practice: The independents, from the extremity of the same zeal, were led into the milder principles of toleration. Their mind, set afloat in the wide sea of inspiration, could confine itself within no certain limits; and the same variations, in which an enthusiast indulged himself, he was apt, by a natural train of thinking, to permit in others. Of all christian sects, this was the first, which, during its prosperity, as well as its adversity, always adopted the principle of toleration; and, it is remarkable, that so reasonable a doctrine owed its origin, not to reasoning, but to the height of extravagance and fanaticism.

POPERY and prelacy alone, whose genius seemed to tend towards superstition were treated by the independents with rigor. The doctrines too of fate or destiny, were deemed by them essential to all religion. In these rigid opinions, the whole sectaries, amidst all their other differences, unanimously concurred.

C H A P. THE political system of the independents kept
 LVII. pace with their religious. Not content with
 1644. confining, to very narrow limits, the power
 of the crown, and reducing the king to the
 rank of first magistrate, which was the project
 of the presbyterians; this sect, more ardent in
 the pursuit of liberty, aspired to a total abolition
 of the monarchy, and even of the aristocracy;
 and projected an entire equality of rank and
 order, in a republic, quite free and independent.
 In consequence of this scheme, they were declared
 enemies to all proposals for peace, except on such
 terms as, they knew, it was impossible to
 obtain; and they adhered to that maxim, which
 is, in the main, prudent and political, that
 whoever draws the sword against his sovereign,
 should throw away the scabbard. By terrifying
 others with the fear of vengeance from the
 offended prince, they had engaged greater num-
 bers into the opposition against peace, than had
 adopted the other principles with regard to govern-
 ment and religion. And the great success, which
 had already attended the arms of the parliament,
 and the greater, which was soon expected,
 confirmed them still in this obstinacy.

SIR Harry Vane, Oliver Cromwel, Nathaniel
 Fiennes, and Oliver St. John, the solicitor-general,
 were regarded as the leaders of the independents.
 The earl of Essex, disgusted with a war, of
 which he began to foresee the pernicious conse-
 quences, adhered to the presbyterians, and pro-
 moted every reasonable plan of accommodation.

The earl of Northumberland, fond of his rank and dignity, regarded with horror a scheme, which, if it took place, would confound himself and his family with the lowest in the kingdom. The earls of Warwic, and Denbigh, Sir Philip Stapleton, Sir William Waller, Hollis, Mafsey, Whitlocke, Mainard, Glyn, had embraced the same sentiments. In the parliament, a considerable majority, and a much greater in the nation, were attached to the presbyterian party; and it was only by cunning and deceit at first, and afterwards by military violence, that the independents could entertain any hopes of success.

THE earl of Manchester, provoked at the impeachment, which the king had lodged against him, had long forwarded the war with alacrity; but, being a man of humanity and good principles, the view of public calamities, and the prospect of a total subversion of government, began to moderate his ardor, and inclined him to promote peace on any safe or honorable terms. He was even suspected, in the field, not to have pushed to the utmost against the king the advantages, obtained by the arms of the parliament; and Cromwel, in the public debates, revived the accusation, that this nobleman had wilfully neglected at Dennington-castle a favorable opportunity of finishing the war by a total defeat of the royalists. "I showed him evidently," said Cromwel, "how this success might be obtained; and only desired leave, with my own brigade of horse, to charge the king's army in their

C H A P.
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1644.

C H A P. “ retreat; leaving it in the earl’s choice, if he
 LVII. “ thought proper, to remain neuter with the rest
 1644. “ of his forces: But, notwithstanding my impor-
 “ tunity, he positively refused his consent; and
 “ gave no other reason but that, if we met with
 “ a defeat, there was an end of our pretensions:
 “ We should all be rebels and traitors, and be
 “ executed and forfeited by law ³⁶ ! ”

MANCHESTER, by way of recrimination, in-
 formed the parliament, that, at another time,
 Cromwel having proposed some scheme, to which
 it seemed improbable the parliament would agree,
 he insisted and said, *My lord, if you will stick firm
 to honest men, you shall find yourself at the head of
 an army, which shall give law both to king and
 parliament.* “ This discourse, ” continued Man-
 chester, “ made the greater impresson on me,
 “ because I knew the lieutenant-general to be a
 “ man of very deep designs; and he has even
 “ ventured to tell me, that it never would be
 “ well with England till I were Mr. Montague,
 “ and there were never a lord or peer in the
 “ kingdom ³⁷ . ” So full was Cromwel of these
 republican projects, that, notwithstanding his
 habits of profound dissimulation, he could not so
 carefully guard his expressions, but that sometimes
 his favorite notions would escape him.

THESE violent dissensions brought matters to
 extremity, and pushed the independents to the
 execution of their designs. The present generals,

³⁶ Clarendon, vol. v. p. 561. ³⁷ Idem, ibid. p. 562.

C H A P.

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they thought, were more desirous of protracting than finishing the war; and having entertained a scheme for preserving still some balance in the constitution, they were afraid of entirely subduing the king, and reducing him to a condition, where he should not be entitled to ask any concessions. A new model alone of the army could bring complete victory to the parliament, and free the nation from those calamities, under which it labored. But how to effect this project was the difficulty. The authority, as well as merits, of Essex was very great with the parliament. Not only he had served them all along with the most exact and scrupulous honor: It was, in some measure, owing to his popularity, that they had ever been enabled to levy an army or make head against the royal cause. Manchester, Warwick, and the other commanders had likewise great credit with the public; nor were there any hopes of prevailing over them, but by laying the plan of an oblique and artificial attack, which would conceal the real purpose of their antagonists. The Scots and Scottish commissioners, jealous of the progress of the independents, were a new obstacle; which, without the utmost art and subtilty, it would be difficult to surmount³⁸. The methods, by which this intrigue was conducted, are so singular, and show so fully the genius of the age, that we shall give a detail of them, as they are delivered by lord Clarendon³⁹.

³⁸ Clarendon, vol. v. p. 562.³⁹ Idem, ibid. p. 565.

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A FAST, on the last Wednesday of every month, had been ordered by the parliament at the beginning of these commotions; and their preachers, on that day, were careful to keep alive, by their vehement declamations, the popular prejudices entertained against the king, against prelacy, and against popery. The king, that he might combat the parliament with their own weapons, appointed likewise a monthly fast, when the people should be instructed in the duties of loyalty and of submission to the higher powers; and he chose the second Friday of every month for the devotion of the royalists⁴⁰. It was now proposed and carried in parliament, by the independents, that a new and more solemn fast should be voted; when they should implore the divine assistance for extricating them from those perplexities, in which they were at present involved. On that day, the preachers, after many political prayers, took care to treat of the reigning divisions in the parliament, and ascribed them entirely to the selfish ends, pursued by the members. In the hands of those members, they said, are lodged all the considerable commands of the army, all the lucrative offices in the civil administration: And while the nation is falling every day into poverty, and groans under an insupportable load of taxes; these men multiply possession on possession, and will, in a little time, be masters of all the wealth of the kingdom.

⁴⁰ Rushworth, vol. vi. p. 364.

That such persons, who fatten on the calamities of their country, will ever embrace any effectual measure for bringing them to a period, or ensuring final success to the war, cannot reasonably be expected. Lingered expedients alone will be pursued: And operations in the field concurring, in the same pernicious end, with deliberations in the cabinet; civil commotions will, for ever, be perpetuated in the nation. After exaggerating these disorders, the ministers returned to their prayers; and besought the Lord, that he would take his own work into his own hand; and if the instruments, whom he had hitherto employed, were not worthy to bring to a conclusion so glorious a design, that he would inspire others more fit, who might perfect what was begun, and by establishing true religion, put a speedy period to the public miseries.

ON the day subsequent to these devout animadversions, when the parliament met, a new spirit appeared in the looks of many. Sir Henry Vane told the commons, that, if ever God appeared to them, it was in the ordinances of yesterday: That, as he was credibly informed by many, who had been present in different congregations, the same lamentations and discourses, which the godly preachers had made before them, had been heard in other churches: That so remarkable a concurrence could proceed only from the immediate operation of the Holy Spirit: That he therefore entreated them, in vindication of their own honor, in consideration of their duty to God

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C H A P. and their country, to lay aside all private ends,
 LVII. and renounce every office, attended with profit
 1644. or advantage: That the absence of so many members, occupied in different employments, had rendered the house extremely thin, and diminished the authority of their determinations: And that he could not forbear, for his own part, accusing himself as one who enjoyed a gainful office, that of treasurer of the navy; and though he was possessed of it before the civil commotions, and owed it not to the favor of the parliament, yet was he ready to resign it, and to sacrifice, to the welfare of his country, every consideration of private interest and advantage.

CROMWEL next acted his part, and commended the preachers for having dealt with them plainly and impartially, and told them of their errors, of which they were so unwilling to be informed. Though they dwelt on many things, he said, on which he had never before reflected; yet, upon revolving them, he could not but confess, that, till there were a perfect reformation in these particulars, nothing which they undertook could possibly prosper. The parliament, no doubt, continued he, had done wisely on the commencement of the war, in engaging several of its members in the most dangerous parts of it; and thereby satisfying the nation, that they intended to share all hazard with the meanest of the people. But affairs are now changed. During the progress of military operations, there have arisen, in the parliamentary armies, many excellent

officers, who are qualified for higher commands than they are now possessed of. And though it becomes not men, engaged in such a cause, to *put trust in the arm of flesh*, yet he could assure them, that their troops contained generals, fit to command in any enterprize in Christendom. The army indeed, he was sorry to say it, did not correspond, by its discipline, to the merit of the officers; nor were there any hopes, till the present vices and disorders, which prevail among the soldiers, were repressed by a new model, that their forces would ever be attended with signal success in any undertaking.

IN opposition to this reasoning of the independents, many of the presbyterians showed the inconvenience and danger of the projected alteration. Whitlocke, in particular, a man of honor, who loved his country, though, in every change of government, he always adhered to the ruling power, said, that, besides the ingratitude of discarding, and that by fraud and artifice, so many noble persons, to whom the parliament had hitherto owed its chief support; they would find it extremely difficult to supply the place of men, now formed by experience to command and authority: That the rank alone, possessed by such as were members of either house, prevented envy, retained the army in obedience, and gave weight to military orders: That greater confidence might safely be reposed in men of family and fortune, than in mere adventurers, who would be apt to entertain separate views from those

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1644. which were embraced by the persons, who employed them: That no maxim of policy was more undisputed, than the necessity of preserving an inseparable connexion between the civil and military powers, and of retaining the latter in strict subordination to the former: That the Greeks and Romans, the wisest and most passionate lovers of liberty, had ever intrusted to their senators the command of armies, and had maintained an unconquerable jealousy of all mercenary forces: And that such men alone, whose interests were involved in those of the public, and who possessed a vote in the civil deliberations, would sufficiently respect the authority of parliament, and never could be tempted to turn the sword against those, by whom it was committed to them ⁴¹.

Self-denying ordinance.

NOTWITHSTANDING these reasonings, a committee was chosen to frame what was called the *Self-denying ordinance*, by which the members of both houses were excluded from all civil and military employments, except a few offices which were specified. This ordinance was the subject of great debate, and, for a long time, rent the parliament and city into factions. But, at last, by the prevalence of envy with some; with others, of false modesty; with a great many, of the republican and independent views; it passed the house of commons, and was sent to the upper house. The peers, though the scheme was, in

⁴¹ Whitlocke, p. 114, 115. Rush. vol. vii. p. 6.
part,

part, levelled against their order; though all of them were, at bottom, extremely averse to it; though they even ventured once to reject it; yet possessed so little authority, that they durst not persevere in opposing the resolution of the commons; and they thought it better policy, by an unlimited compliance, to ward off that ruin, which they saw approaching⁴². The ordinance, therefore, having passed both houses, Essex, Warwic, Manchester, Denbigh, Waller, Brereton, and many others, resigned their commands, and received the thanks of parliament for their good services. A pension of ten thousand pounds a year was settled on Essex.

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It was agreed to recruit the army to 22,000 men; and Sir Thomas Fairfax was appointed general⁴³. It is remarkable, that his commission did not run, like that of Essex, in the name of the king and parliament, but in that of the parliament alone: And the article concerning the safety of the king's person was omitted. So much had animosities increased between the parties⁴⁴. Cromwel, being a member of the lower house, should have been discarded with the others; but this impartiality would have disappointed all the views of those, who had introduced the self-denying ordinance. He was saved by a subtilty, and by that political craft, in which he was so

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⁴² Rush. vol. vii. p. 8. 15.

⁴³ Whitlocke, p. 118. Rush. vol. vii. p. 7.

⁴⁴ Whitlocke, p. 133.

C H A P. eminent. At the time, when the other officers
 LVII. resigned their commissions, care was taken, that
 1645. he should be sent with a body of horse, to relieve
 Taunton, besieged by the royalists. His absence
 being remarked, orders were dispatched for his
 immediate attendance in parliament; and the new
 general was directed to employ some other officer
 in that service. A ready compliance was feigned;
 and the very day was named, on which, it was
 averred, he would take his place in the house.
 But Fairfax, having appointed a rendez-vous of
 the army, wrote to the parliament, and desired
 leave to retain, for some days, lieutenant-general
 Cromwel, whose advice, he said, would be
 useful, in supplying the place of those officers,
 who had resigned. Shortly after, he begged, with
 much earnestness, that they would allow Crom-
 wel to serve that campaign ⁴⁵. And thus the in-
 dependents, though the minority, prevailed by
 art and cunning over the presbyterians, and
 bestowed the whole military authority, in appear-
 ance, upon Fairfax; in reality, upon Cromwel.

Fairfax. FAIRFAX was a person equally eminent for
 1763 courage and for humanity; and though strongly
 infected with prejudices or principles, derived
 from religious and party zeal, he seems never,
 in the course of his public conduct, to have been
 seduced diverted, by private interest or ambition, from
 adhering strictly to these principles. Sincere in
 his professions; disinterested in his views; open

⁴⁵ Clarendon, vol. v. p. 629, 630. Whitlocke, p. 141.

in his conduct; he had formed one of the most shining characters of the age; had not the extreme narrowness of his genius, in every thing but in war, and his embarrassed and confused elocution, on every occasion but when he gave orders, diminished the lustre of his merit, and rendered the part, which he acted, even when vested with the supreme command, but secondary and subordinate.

CROMWEL, by whose sagacity and insinuation Fairfax was entirely governed, is one of the most eminent and most singular personages, that occurs in history: The strokes of his character are as open and strongly marked, as the schemes of his conduct were, during the time, dark and impenetrable. His extensive capacity enabled him to form the most enlarged projects: His enterprising genius was not dismayed with the boldest and most dangerous. Carried, by his natural temper, to magnanimity, to grandeur, and to an imperious and domineering policy; he yet knew, when necessary, to employ the most profound dissimulation, the most oblique and refined artifice, the semblance of the greatest moderation and simplicity. A friend to justice, though his public conduct was one continued violation of it; devoted to religion though he perpetually employed it as the instrument of his ambition; he was engaged in crimes from the prospect of sovereign power, a temptation which is, in general, irresistible to human nature. And by using well that authority, which

Cromwel.

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1763

Sachel
p. 73.
Hut 159.

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Treaty of
Uxbridge.

he had attained by fraud and violence, he has lessened, if not overpowered, our detestation of his enormities, by our admiration of his success and of his genius.

DURING this important transaction of the self-denying ordinance, the negotiations for peace were likewise carried on, though with small hopes of success. The king having sent two messages, one from Evesham⁴⁶, another from Tavistoke⁴⁷, desiring a treaty, the parliament dispatched commissioners to Oxford, with proposals, as high as if they had obtained a complete victory⁴⁸. The advantages gained during the campaign, and the great distresses of the royalists, had much elevated their hopes; and they were resolved to repose no trust in men, inflamed with the highest animosity against them, and who, were they possessed of power, were full authorized by law, to punish all their opponents as rebels and traitors.

THE king, when he considered the proposals and the disposition of the parliament, could not expect any accommodation, and had no prospect but of war, or of total submission and subjection: Yet, in order to satisfy his own party, who were impatient for peace, he agreed to send the duke of Richmond and earl of Southampton, with an answer to the proposals of the parliament, and at the same time to desire a treaty upon their mutual demands and pretensions⁴⁹. It now

⁴⁶ 4th of July, 1644.

⁴⁷ 8th of Sept. 1644.

⁴⁸ Dugdale, p. 737. Rush. vol. vi. p. 850.

⁴⁹ Whitlocke, p. 110.

became necessary for him to retract his former declaration, that the two houses at Westminster were not a free parliament; and accordingly, he was induced, though with great reluctance, to give them, in his answer, the appellation of the parliament of England ⁵⁰. But it appeared afterwards, by a letter, which he wrote to the queen, and of which a copy was taken at Naseby, that he secretly entered an explanatory protest in his council-book; and he pretended, that, though he had called them the parliament, he had not thereby acknowledged them for such ⁵¹. This subtilty, which has been frequently objected to Charles, is the most noted of those very few instances, from which the enemies of this prince have endeavoured to load him with the imputation of insincerity; and have inferred, that the parliament could repose no confidence in his professions and declarations, not even in his laws and statutes. There is, however, it must be confessed, a difference universally avowed

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⁵⁰ Whitloke, p. III. Dugdale, p. 748.

⁵¹ His words are, "As for my calling those at London a parliament, I shall refer thee to Digby for particular satisfaction; this in general; If there had been but two besides myself, of my opinion, I had not done it; and the argument, that prevailed with me was, that the calling did no ways acknowledge them to be a parliament; upon which condition and construction I did it, and no otherwise; and accordingly it is registered in the council books; with the council's unanimous approbation." *The king's cabinet opened.* Rush. vol. vi. p. 943.

C H A P. between simply giving to men the appellation,
 LVII. which they assume, and the formal acknowledge-
 1645. ment of their title to it; nor is any thing more
 common and familiar in all public transactions.

30th Jan.

THE time and place of treaty being settled, sixteen commissioners from the king met at Uxbridge with twelve authorized by the parliament, attended by the Scottish commissioners. It was agreed, that the Scottish and parliamentary commissioners should give in their demands with regard to three important articles, *religion*, the *militia*, and *Ireland*; and that these should be successively discussed in conference with the king's commissioners²². It was soon found impracticable to come to any agreement with regard to any of these articles.

IN the summer 1643, while the negotiations were carried on with Scotland, the parliament had summoned an assembly at Westminster, consisting of 121 divines and 30 laymen, celebrated in their party for piety and learning. By their advice, alterations were made in the thirty-nine articles, or in the metaphysical doctrines of the church; and, what was of greater importance, the liturgy was entirely abolished, and, in its stead, a new directory for worship was established; by which, suitably to the spirit of the puritans, the utmost liberty, both in praying and preaching, was indulged to the public teachers. By the solemn league and covenant, episcopacy

²² Whitlocke, p. 121. Dugdale, p. 758.

was abjured, as destructive of all true piety; and a national engagement, attended with every circumstance, that could render a promise sacred and obligatory, was entered into with the Scots, never to suffer its re-admission. All these measures showed little spirit of accommodation in the parliament; and the king's commissioners were not surprised to find the establishment of presbytery and the directory positively demanded, together with the subscription of the covenant, both by the king and kingdom⁵³.

⁵³ Such love of contradiction prevailed in the parliament, that they had converted Christmas, which, with the churchmen, was a great festival, into a solemn fast and humiliation; "In order," as they said, "that it might call to remembrance our sins and the sins of our forefathers, who, pretending to celebrate the memory of Christ, have turned this feast into an extreme forgetfulness of him, by giving liberty to carnal and sensual delights." *Rush.* vol. vi. p. 817. It is remarkable, that, as the parliament abolished all holy days, and severely prohibited all amusement on the sabbath; and even burned, by the hands of the hangman, the king's book of sports; the nation found, that there was no time left for relaxation or diversion. Upon application, therefore, of the servants and apprentices, the parliament appointed the second Tuesday of every month for play and recreation. *Rush.* vol. vii. p. 460. *Whitlocke*, p. 247. But these institutions, they found great difficulty to execute; and the people were resolved to be merry when they themselves pleased, not when the parliament should prescribe it to them. The keeping of Christmas holy-days was long a great mark of malignancy, and very severely censured by the commons. *Whitlocke*, p. 286. Even minced pies, which custom had made a

C H A P. LVII. 1645. HAD Charles been of a disposition to neglect all theological controverfy; he yet had been obliged, in good policy, to adhere to episcopal jurisdiction, not only because it was favorable to monarchy, but because all his adherents were passionately devoted to it; and to abandon them, in what they regarded as so important an article, was for ever to relinquish their friendship and assistance. But Charles had never attained such enlarged principles. He deemed bishops essential to the very being of a christian church; and

Christmas-dish among the churchmen, was regarded, during that season, as a profane and superstitious viand by the sectaries; though at other times it agreed very well with their stomachs. In the parliamentary ordinance too, for the observance of the sabbath, they inserted a clause for the taking down of may-poles, which they called a heathenish vanity. Since we are upon this subject, it may not be amiss to mention, that, beside setting apart Sunday for the ordinances, as they called them, the godly had regular meetings on the Thursdays for resolving cases of conscience, and conferring about their progress in grace. What they were chiefly anxious about, was the fixing of the precise moment of their conversion or new birth; and whoever could not ascertain so difficult a point of calculation, could not pretend to any title to faintship. The profane scholars at Oxford, after the parliament became masters of that town, gave to the house, in which the zealots assembled, the denomination of *Scruple-Shop*: The zealots, in their turn, insulted the scholars and professors; and, intruding into the place of lectures, declaimed against human learning, and challenged the most knowing of them to prove that their calling was from Christ. See Wood's *Fasti Oxonienses*, p. 740.

he thought himself bound, by more sacred ties, than those of policy, or even of honor, to the support of that order. His concessions, therefore, on this head, he judged sufficient, when he agreed, that an indulgence should be given to tender consciences with regard to ceremonies; that the bishops should exercise no act of jurisdiction or ordination, without the consent and counsel of such presbyters as should be chosen by the clergy of each diocese; that they should reside constantly in their dioceses, and be bound to preach every Sunday; that pluralities be abolished; that abuses in ecclesiastical courts be redressed; and that a hundred thousand pounds be levied on the bishops' estates and the chapterlands, for payment of debts contracted by the parliament⁵⁴. These concessions, though considerable, gave no satisfaction to the parliamentary commissioners; and, without abating any thing of their rigor on this head, they proceeded to their demands with regard to the militia.

THE king's partisans had all along maintained, that the fears and jealousies of the parliament, after the securities so early and easily given to public liberty, were either feigned or groundless; and that no human institution could be better poised and adjusted, than was now the government of England. By the abolition of the star chamber and court of high commission, the prerogative, they said, has lost all that coercive

⁵⁴ Dugdale, p. 779, 780.

C H A P. power, by which it had formerly suppressed or
LVII. endangered liberty : By the establishment of
1645. triennial parliaments , it can have no leisure to acquire new powers, or guard itself, during any time, from the inspection of that vigilant assembly : By the slender revenue of the crown, no king can ever attain such influence as to procure a repeal of these salutary statutes: And while the prince commands no military force, he will in vain, by violence, attempt an infringement of laws, so clearly defined by means of late disputes, and so passionately cherished by all his subjects. In this situation surely, the nation, governed by so virtuous a monarch, may, for the present, remain in tranquillity, and try, whether it be not possible, by peaceful arts, to elude that danger, with which, it is pretended, its liberties are still threatened.

BUT though the royalists insisted on these plausible topics, before the commencement of war, they were obliged to own, that the progress of civil commotions had somewhat abated the force and evidence of this reasoning. If the power of the militia, said the opposite party, be intrusted to the king, it would not now be difficult for him to abuse that authority. By the rage of intestine discord, his partisans are inflamed into an extreme hatred against their antagonists; and have contracted, no doubt, some prejudices against popular privileges, which, in their apprehension, have been the source of so much disorder. Were the arms of the state, therefore, put entirely into such

hands; what public security, it may be demanded, can be given to liberty, or what private security to those, who, in opposition to the letter of the law, have so generously ventured their lives in its defence? In compliance with this apprehension, Charles offered, that the arms of the state should be intrusted, during three years, to twenty commissioners, who should be named, either by common agreement between him and the parliament, or one half by him, the other by the parliament. And, after the expiration of that term, he insisted, that his constitutional authority over the militia should again return to him⁵⁵.

THE parliamentary commissioners at first demanded, that the power of the sword should for ever be intrusted to such persons, as the parliament alone should appoint⁵⁶: But afterwards, they relaxed so far, as to require that authority only for seven years; after which it was not to return to the king, but to be settled by bill, or by common agreement between him and his parliament⁵⁷. The king's commissioners asked, Whether jealousies and fears were all on one side, and whether the prince, from such violent attempts and pretensions as he had experienced, had not, at least, as great reason to entertain apprehensions for his authority, as they for their liberty? Whether there were any equity, in securing only one party, and leaving the other,

⁵⁵ Dugdale, p. 798.

⁵⁶ Ibid. p. 791.

⁵⁷ Ibid. p. 820.

C H A P. during the space of seven years, entirely at the
 LVII. mercy of their enemies? Whether, if unlimited
 1545. power were intrusted to the parliament during so long a period; it would not be easy for them to frame the subsequent bill in the manner most agreeable to themselves, and keep for ever possession of the sword, as well as of every article of civil power and jurisdiction⁵⁸?

THE truth is, after the commencement of war, it was very difficult, if not impossible, to find security for both parties, especially for that of the parliament. Amidst such violent animosities, power alone could ensure safety; and the power of one side was necessarily attended with danger to the other. Few or no instances occur in history, of an equal, peaceful, and durable accommodation, that has been concluded between two factions, which had been inflamed into civil war.

WITH regard to Ireland, there were no greater hopes of agreement between the parties. The parliament demanded, that the truce with the rebels should be declared null; that the management of the war should be given over entirely to the parliament; and that after the conquest of Ireland, the nomination of the lord lieutenant and of the judges, or in other words the sovereignty of that kingdom, should likewise remain in their hands⁵⁹.

WHAT rendered an accommodation more

⁵⁸ Dugdale, p. 877.

⁵⁹ Ibid. p. 826, 827.

desperate was, that the demands on these three heads, however exorbitant, were acknowledged by the parliamentary commissioners, to be nothing but preliminaries. After all these were granted, it would be necessary to proceed to the discussion of those other demands, still more exorbitant, which, a little before, had been transmitted to the king at Oxford. Such ignominious terms were there insisted on, that worse could scarcely be demanded, were Charles totally vanquished, a prisoner, and in chains. The king was required to attaint and except from a general pardon, forty of the most considerable of his English subjects, and nineteen of his Scottish, together with all popish recusants in both kingdoms, who had borne arms for him. It was insisted, that forty-eight more, with all the members who had sitten in either house at Oxford, all lawyers and divines who had embraced the king's party, should be rendered incapable of any office, be forbidden the exercise of their profession, be prohibited from coming within the verge of the court, and forfeit the third of their estates to the parliament. It was required, that whoever had borne arms for the king, should forfeit the tenth of their estates, or if that did not suffice, the sixth, for the payment of public debts. As if royal authority were not sufficiently annihilated by such terms, it was demanded, that the court of wards should be abolished; that all the considerable officers of the crown, and all the judges, should be appointed by parliament; and that the right of peace and

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C H A P. war should not be exercised without the consent
LVII. of that assembly⁶⁶. The presbyterians, it must be
1645. confessed, after insisting on such conditions, differed only in words from the independents, who required the establishment of a pure republic. When the debates had been carried on to no purpose, during twenty days, among the commissioners, they separated, and returned; those of the king, to Oxford, those of the parliament, to London.

Execution
of Laud.

A LITTLE before the commencement of this fruitless treaty, a deed was executed by the parliament, which proved their determined resolution to yield nothing, but to proceed in the same violent and imperious manner, with which they had, at first, entered on these dangerous enterprises. Archbishop Laud, the most favored minister of the king, was brought to the scaffold; and in this instance, the public might see, that popular assemblies, as, by their very number, they are, in a great measure, exempt from the restraint of shame, so, when they also overleap the bounds of law, naturally break out into acts of the greatest tyranny and injustice.

FROM the time, that Laud had been committed, the house of commons, engaged in enterprises of greater moment, had found no leisure to finish his impeachment; and he had patiently endured so long an imprisonment, without being brought to any trial. After the union with Scotland, the bigotted prejudices of that nation revived the like

⁶⁶ Rush. vol. vi. p. 850. Dugdale, p. 737.

spirit in England; and the sectaries resolved to gratify their vengeance in the punishment of this prelate, who had so long, by his authority, and by the execution of penal laws, kept their zealous spirit under confinement. He was accused of high treason, in endeavouring to subvert the fundamental laws, and of other high crimes and misdemeanors. The same illegality of an accumulative crime and a constructive evidence, which appeared in the case of Strafford; the same violence and iniquity in conducting the trial, are conspicuous throughout the whole course of this prosecution. The groundless charge of popery, though belied by his whole life and conduct, was continually urged against the prisoner; and every error rendered unpardonable by this imputation, which was supposed to imply the height of all enormities. "This man, my lords," said serjeant Wilde, concluding his long speech against him, "is like Naaman the Syrian; a great man, but a leper⁶¹."

WE shall not enter into a detail of this matter, which, at present, seems to admit of little controversy. It suffices to say, that, after a long trial, and the examination of above a hundred and fifty witnesses, the commons found so little likelihood of obtaining a judicial sentence against Laud, that they were obliged to have recourse to their legislative authority, and to pass an ordinance for taking away the life of this aged

⁶¹ Rushworth, vol. vi. p. 830.

C H A P. prelate. Notwithstanding the low condition,
 LVII. into which the house of peers was fallen, there
 1645. appeared some intention of rejecting this ordinance; and the popular leaders were again obliged to apply to the multitude, and to extinguish, by threats of new tumults, the small remains of liberty, possessed by the upper house. Seven peers alone voted in this important question. The rest, either from shame or fear, took care to absent themselves⁶².

LAUD, who had behaved during his trial with spirit and vigor of genius, sunk not under the horrors of his execution; but though he had usually professed himself apprehensive of a violent death, he found all his fears to be dissipated before that superior courage, by which he was animated. "No one," said he, "can be more willing to send me out of life, than I am desirous to go." Even upon the scaffold, and during the intervals of his prayers, he was harassed and molested by Sir John Clotworthy, a zealot of the reigning sect, and a great leader in the lower house: This was the time he chose for examining the principles of the dying primate, and trepanning him into a confession, that he trusted, for his salvation, to the merits of good works, not to the death of the Redeemer⁶³. Having extricated himself from these theological toils, the archbishop laid his head on the block;

⁶² Warwick, p. 169.

⁶³ Rush. vol. vi. p. 838, 839.

and

and it was severed from the body at one blow⁶⁴. C H A P.
Those religious opinions, for which he suffered, LVII.
contributed, no doubt, to the courage and con- 1645.
stancy of his end. Sincere he undoubtedly was,
and however misguided, actuated by pious mo-
tives in all his pursuits; and it is to be regretted,
that a man of such spirit, who conducted his en-
terprises with so much warmth and industry,
had not entertained more enlarged views, and
embraced principles more favorable to the general
happiness of society.

THE great and important advantage, which
the party gained by Strafford's death, may, in
some degree, palliate the iniquity of the sentence
pronounced against him: But the execution of
this old infirm prelate, who had so long remain-
ed an inoffensive prisoner, can be ascribed to
nothing but vengeance and bigotry in those se-
vere religionists, by whom the parliament was
entirely governed. That he deserved a better
fate was not questioned by any reasonable man:
The degree of his merit, in other respects, was
disputed. Some accused him of recommending
flavish doctrines, of promoting persecution, and
of encouraging superstition; while others thought,
that his conduct, in these three particulars, would
admit of apology and extenuation.

THAT the *letter* of the law, as much as the
most flaming court-sermon, inculcates passive
obedience, is apparent: And though the *spirit*

⁶⁴ 12th of July, 1644.
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C H A P. of a limited government seems to require, in
 LVII. extraordinary cases, some mitigation of so rigor-
 1645. ous a doctrine; it must be confessed, that the
 preceding genius of the English constitution had
 rendered a mistake in this particular very natural
 and excusable. To inflict death at least on those,
 who depart from the exact line of truth in these
 nice questions; so far from being favorable to
 national liberty, favors strongly of the spirit of
 tyranny and proscription.

TOLERATION had hitherto been so little the
 principle of any christian sect, that even the ca-
 tholics, the remnant of the religion professed by
 their forefathers, could not obtain from the
 English the least indulgence. This very house
 of commons, in their famous remonstrance, took
 care to justify themselves, as from the highest
 imputation, from any intention to relax the gold-
 en reins of discipline, as they called them, or
 to grant any toleration⁶⁵: And the enemies of
 the church were so fair from the beginning, as
 not to lay claim to liberty of conscience, which
 they called a toleration for soul-murder. They
 openly challenged the superiority, and even me-
 naced the established church with that persecution,
 which they afterwards exercised against her with
 such severity. And if the question be considered
 in the view of policy; though a sect, already
 formed and advanced, may, with good reason,
 demand a toleration; what title had the puritans

⁶⁵ Nelson, vol. ii. p. 705.

to this indulgence, who were just on the point of separation from the church, and whom, it might be hoped, some wholesome and legal severities would still retain in obedience “?

C H A P.

LVII.

1648.

WHATEVER ridicule, to a philosophical mind, may be thrown on pious ceremonies, it must be confessed, that, during a very religious age, no institutions can be more advantageous to the rude multitude, and tend more to mollify that fierce and gloomy spirit of devotion, to which they are subject. Even the English church, though it had retained a share of popish ceremonies, may justly be thought too naked and unadorned, and still to approach too near the abstract and spiritual religion of the puritans. Laud and his associates, by reviving a few primitive institutions of this nature, corrected the error of the first reformers, and presented to the affrightened and astonished mind, some sensible, exterior observances; which might occupy it during its religious exercises, and abate the violence of its disappointed efforts. The thought, no longer bent on that divine and mysterious essence, so superior to the narrow capacities of mankind, was able, by means of the new model of devotion, to relax itself in the contemplation of pictures, postures, vestments, buildings; and all the fine arts, which minister to religion, thereby received additional encouragement. The primate, it is true, conducted this scheme, not with the enlarged sen-

“ See note [L] at the end of the volume.

C H A P. timents and cool reflection of a legislator, but
 LVII. with the intemperate zeal of a sectary; and by
 1645. overlooking the circumstances of the times, served
 rather to inflame that religious fury, which he
 meant to repress. But this blemish is more to be
 regarded as a general imputation on the whole
 age, than any particular failing of Laud's; and
 it is sufficient for his vindication to observe, that
 his errors were the most excusable of all those,
 which prevailed during that zealous period.

N O T E S
T O T H E
N I N T H V O L U M E.

NOTE [A], p. 34.

HERE is a passage of Sir John Davis's question concerning impositions, p. 131. " This power of laying on
" arbitrarily new impositions being a prerogative in point
" of government, as well as in point of profit, it cannot
" be restrained or bound by act of parliament; it cannot
" be limited by any certain or fixt rule of law, no more
" than the course of a pilot upon the sea, who must
" turn the helm or bear higher or lower sail, according
" to the wind or weather; and therefore it may be pro-
" perly said, that the king's prerogative in this point, is
" as strong as *Samson*; it cannot be bound: For though
" an act of parliament be made to restrain it, and the
" king doth give his consent unto it, as *Samson* was
" bound with his own consent, yet if the *Philistines*
" come; that is, if any just or important occasion do
" arise, it cannot hold or restrain the prerogative; it
" will be as thread, and broken as easy as the bonds of
" *Samson*—The king's prerogatives are the sun-beams of
" the crown, and as inseparable from it as the sun-beams
" from the sun: the king's crown must be taken from him;
" *Samson's* hair must be cut out, before his courage can
" be any jot abated. Hence it is that neither the king's
" act nor any act of parliament can give away his prero-
" gative. "

NOTE [B], p. 103.

WE shall here make use of the liberty, allowed in :

note, to expatiate a little on the present subject. It must be confessed, that the king in this declaration touched upon that circumstance in the English constitution, which it is most difficult, or rather altogether impossible, to regulate by laws, and which must be governed by certain delicate ideas of propriety and decency, rather than by any exact rule or prescription. To deny the parliament all right of remonstrating against what they esteem grievances, were to reduce that assembly to a total insignificance, and to deprive the people of every advantage, which they could reap from popular councils. To complain of the parliament's employing the power of taxation, as the means of extorting concessions from their sovereign, were to expect, that they would entirely disarm themselves, and renounce the sole expedient, provided by the constitution, for ensuring to the kingdom a just and legal administration. In different periods of English story, there occur instances of their remonstrating with their princes in the freest manner, and sometimes of their refusing supply when disgusted with any circumstance of public conduct. 'Tis, however, certain, that this power, though essential to parliaments, may easily be abused, as well by the frequency and minuteness of their remonstrances, as by their intrusion into every part of the king's counsels and determinations. Under color of advice they may give disguised orders; and in complaining of grievances, they may draw to themselves every power of government. Whatever measure is embraced, without consulting them, may be pronounced an oppression of the people; and till corrected, they may refuse the most necessary supplies to their indigent sovereign. From the very nature of this parliamentary liberty, it is evident, that it must be left unbounded by law: For who can foretel, how frequently grievances may occur, or what part of administration may be affected by them? From the nature too of the human frame, it may be expected, that this liberty would be exerted in its full extent, and no branch of authority be allowed to remain unmolested in the hands of the prince:

For will the weak limitations of respect and decorum be sufficient to restrain human ambition, which so frequently breaks through all the prescriptions of law and justice?

BUT here it is observable, that the wisdom of the English constitution, or rather the concurrence of accidents, has provided, in different periods, certain irregular checks to this privilege of parliament, and thereby maintained, in some tolerable measure, the dignity and authority of the crown.

IN the ancient constitution, before the beginning of the seventeenth century, the meetings of parliament were precarious and were not frequent. The sessions were short; and the members had no leisure, either to get acquainted with each other, or with public business. The ignorance of the age made men more submissive to that authority which governed them. And above all, the large demesnes of the crown, with the small expense of government during that period, rendered the prince almost independent, and taught the parliament to preserve great submission and duty towards him.

IN our present constitution, many accidents, which have rendered governments, every where, as well as in Great Britain, much more burthensome than formerly, have thrown into the hands of the crown the disposal of a large revenue, and have enabled the king, by the private interest and ambition of the members, to restrain the public interest and ambition of the body. While the opposition (for we must still have an opposition, open or disguised) endeavours to draw every branch of administration under the cognizance of parliament, the courtiers reserve a part to the disposal of the crown; and the royal prerogative, though deprived of its ancient powers, still maintains a due weight in the balance of the constitution.

IT was the fate of the house of Stuart to govern England at a period, when the former source of authority was already much diminished, and before the latter began to flow in any tolerable abundance. Without a regular and fixed foundation, the throne perpetually

tottered; and the prince sat upon it anxiously and precariously. Every expedient, used by James and Charles, in order to support their dignity, we have seen attended with sensible inconveniences. The majesty of the crown, derived from ancient powers and prerogatives, procured respect; and checked the approaches of insolent intruders: But it begat in the king so high an idea of his own rank and station, as made him incapable of stooping to popular courses, or submitting, in any degree, to the controul of parliament. The alliance with the hierarchy strengthened law by the sanction of religion: But it enraged the puritanical party, and exposed the prince to the attacks of enemies, numerous, violent, and implacable. The memory too of these two kings, from like causes, has been attended, in some degree, with the same infelicity, which pursued them during the whole course of their lives. Though it must be confessed, that their skill in government was not proportioned to the extreme delicacy of their situation; a sufficient indulgence has not been given them, and all the blame, by several historians, has been unjustly thrown on *their* side. Their violations of law, particularly those of Charles, are, in some few instances, transgressions of a plain limit, which was marked out to royal authority. But the encroachments of the commons, though, in the beginning, less positive and determinate, are no less discernible by good judges, and were equally capable of destroying the just balance of the constitution. While they exercised the powers, transmitted to them, in a manner more independent, and less compliant, than had ever before been practised; the kings were, perhaps imprudently, but, as they imagined, from necessity, tempted to assume powers, which had scarcely ever been exercised, or had been exercised in a different manner, by the crown. And from the shock of these opposite pretensions, together with religious controversy, arose all the factions, convulsions, and disorders, which attended that period.

This Note was, in the first editions, a part of the text.

NOTE [C], p. 180.

MR. Carte, in his life of the duke of Ormond, has given us some evidence to prove, that this letter was entirely a forgery of the popular leaders, in order to induce the king to sacrifice Strafford. He tells us, that Strafford said so to his son, the night before his execution. But there are some reasons, why I adhere to the common way of telling this story. 1. The account of the forgery comes through several hands, and from men of characters not fully known to the public. A circumstance which weakens every evidence. It is a hearsay of a hearsay. 2. It seems impossible, but young Lord Strafford must inform the king, who would not have failed to trace the forgery, and expose his enemies to their merited infamy. 3. It is not to be conceived but Clarendon and Whitlocke, not to mention others, must have heard of the matter. 4. Sir George Ratcliffe, in his life of Strafford, tells the story the same way that Clarendon and Whitlocke do. Would he also, who was Strafford's intimate friend, never have heard of the forgery? It is remarkable, that his life is dedicated or addressed to young Strafford. Would not he have put Sir George right in so material and interesting a fact.

NOTE [D], p. 182.

WHAT made this bill appear of less consequence was, that the parliament voted tonnage and poundage for no longer a period than two months: And as that branch was more than half of the revenue, and the government could not possibly subsist without it; it seemed indirectly in the power of the parliament to continue themselves as long as they pleased. This indeed was true in the ordinary administration of government: But on the approaches towards a civil war, which was not then foreseen, it had been of great consequence to the king to have reserved the right of dissolution, and to have endur-

ed any extremity rather than allow the continuance of the parliament.

NOTE [E], p. 221.

IT is now so universally allowed, notwithstanding some muttering to the contrary, that the king had no hand in the Irish rebellion, that it will be superfluous to insist on a point which seems so clear. I shall only suggest a very few arguments, among an infinite number which occur. (1) Ought the affirmation of perfidious, infamous rebels ever to have passed for any authority? (2) Nobody can tell us what the words of the pretended commission were. That commission which we find in Rushworth, vol. v. p. 400, and in Milton's Works, Toland's edition, is plainly an imposture; because it pretends to be dated in October 1641, yet mentions facts which happened not till some months after. It appears that the Irish rebels, observing some inconsistency in their first forgery, were obliged to forge this commission a-new, yet could not render it coherent or probable. (3) Nothing could be more obviously pernicious to the king's cause than the Irish rebellion; because it increased his necessities, and rendered him still more dependent on the parliament, who had before sufficiently shown on what terms they would assist him. (4) The instant the king heard of the rebellion, which was a very few days after its commencement, he wrote to the parliament, and gave over to them the management of the war. Had he built any projects on that rebellion, would he not have waited some little time, to see how they would succeed? Would he presently have adopted a measure which was evidently so hurtful to his authority? What can be imagined to be the king's projects? To raise the Irish to arms, I suppose, and bring them over to England for his assistance. But is it not plain, that the king never intended to raise war in England? Had that been his intention, would he have rendered the parliament perpetual? Does it not appear,

by the whole train of events, that the parliament forced him into the war? (6) The king conveyed to the justices intelligence which ought to have prevented the rebellion. (7) The Irish catholics, in all their future transactions with the king, where they endeavour to excuse their insurrection, never had the assurance to plead his commission. Even amongst themselves they dropped that pretext. It appears that Sir Phelim O'Neale, chiefly, and he only at first, promoted that imposture. See Carte's Ormond, vol. iii. No. 100. 111, 112. 114, 115. 121. 132. 137. (8) O'Neale himself confessed the imposture on his trial and at his execution. See Nelson, vol. ii. p. 528. Maguire, at his execution, made a like confession. (9) It is ridiculous to mention the justification which Charles II. gave to the marquis of Antrim, as if he had acted by his father's commission. Antrim had no hand in the first rebellion and the massacre. He joined not the rebels till two years after: It was with the king's consent; and he did important service, in sending over a body of men to Montrose.

NOTE [F], p. 273.

THE great courage and conduct, displayed by many of the popular leaders, have commonly inclined men to do them, in one respect, more honor than they deserve, and to suppose, that, like able politicians, they employed pretences which they secretly despised, in order to serve their selfish purposes. It is, however, probable, if not certain, that they were, generally speaking, the dupes of their own zeal. Hypocrisy, quite pure and free from fanaticism, is perhaps, except among men fixed in a determined philosophical scepticism, then unknown, as rare as fanaticism entirely purged from all mixture of hypocrisy. So congenial to the human mind are religious sentiments, that it is impossible to counterfeit long these holy fervors, without feeling some share of the assumed warmth: And, on the other hand, so precarious and

temporary, from the frailty of human nature, is the operation of these spiritual views, that the religious ecstasies, if constantly employed, must often be counterfeit, and must be warped by those more familiar motives of interest and ambition, which insensibly gain upon the mind. This indeed seems the key to most of the celebrated characters of that age. Equally full of fraud and of ardor, these pious patriots talked perpetually of seeking the Lord, yet still pursued their own purposes; and have left a memorable lesson to posterity, how delusive, how destructive, that principle is by which they were animated,

WITH regard to the people, we can entertain no doubt, that the controversy was, on their part, entirely theological. The generality of the nation could never have flown out into such fury, in order to obtain new privileges and acquire greater liberty than they and their ancestors had ever been acquainted with. Their fathers had been entirely satisfied with the government of Elizabeth: Why should they have been thrown into such extreme rage against Charles, who, from the beginning of his reign, wished only to maintain such a government? And why not, at least, compound matters with him, when, by all his laws, it appeared, that he had agreed to depart from it? Especially, as he had put it entirely out of his power to retract that resolution. It is in vain, therefore, to dignify this civil war and the parliamentary authors of it, by supposing it to have any other considerable foundation than theological zeal, that great and noted source and animosity among men. The royalists also were very commonly zealots; but as they were, at the same time, maintaining the established constitution, in state as well as church, they had an object, which was natural, and which might produce the greatest passion, even without any considerable mixture of theological fervor. *The former part of this note was, in the first editions, a part of the text.*

NOTE [G], p. 274.

IN some of these declarations, supposed to be penned by Lord Falkland, is found the first regular definition of the constitution, according to our present ideas of it, that occurs in any English composition; at least any published by authority. The three species of government, monarchical, aristocratical, and democratical, are there plainly distinguished, and the English government is expressly said to be none of them pure, but all of them mixed and tempered together. This style, though the sense of it was implied in many institutions, no former king of England would have used, and no subject would have been permitted to use. Banks and the crown-lawyers against Hambden, in the case of ship-money, insist plainly and openly on the king's absolute and sovereign power: And the opposite lawyers do not deny it: They only assert, that the subjects have also a fundamental property in their goods, and that no part of them can be taken but by their own consent in parliament. But that the parliament was instituted to check and controul the king, and share the supreme power, would, in all former times, have been esteemed very blunt and indiscreet, if not illegal, language. We need not be surprised that governments should long continue, though the boundaries of authority, in their several branches, be implicit, confused, and undetermined. This is the case all over the world. Who can draw an exact line between the spiritual and temporal powers in catholic states? What code ascertained the precise authority of the Roman senate, in every occurrence? Perhaps the English is the first mixed government, where the authority of every part has been very accurately defined: And yet there still remain many very important questions between the two houses, that, by common consent, are buried in a discreet silence. The king's power is, indeed, more exactly limited; but this period, of which we now treat, is the time at which that accuracy commenced. And it appears

from Warwick and Hobbes, that many royalists blamed this philosophical precision in the king's penman, and thought that the veil was very imprudently drawn off the mysteries of government. It is certain, that liberty reaped mighty advantages from these controversies and inquiries; and the royal authority itself became more secure, within those provinces which were assigned to it. *Since the first publication of this history, the sequel of Lord Clarendon has been published, where that nobleman asserts, that he himself was the author of most of these remonstrances and memorials of the king.*

NOTE [H], p. 304.

WHITLOCKE, who was one of the commissioners, says, 65. "In this treaty, the king manifested
 " his great parts and abilities, strength of reason and
 " quickness of apprehension, with much patience in
 " hearing what was objected against him; where-in he
 " allowed all freedom, and would himself sum up the
 " arguments, and give a most clear judgment upon them.
 " His unhappiness was, that he had a better opinion of
 " others' judgments than of his own, though they were
 " weaker than his own; and of this the parliament com-
 " missioners had experience to their great trouble. They
 " were often waiting on the king, and debating some
 " points of the treaty with him, until midnight, before
 " they could come to a conclusion. Upon one of the
 " most material points, they pressed his majesty with
 " their reasons and best arguments they could use to
 " grant what they desired. The king said, he was fully
 " satisfied, and promised to give them his answer in
 " writing according to their desire; but because it was
 " then past midnight, and too late to put it into writing,
 " he would have it drawn up next morning (when he
 " commanded them to wait on him again) and then he
 " would give them his answer in writing, as it was
 " now agreed upon. But next morning the king told

“ them, that he had altered his mind: And some of
“ his friends, of whom the commissioners inquired, told
“ them, that after they were gone, and even his coun-
“ cil retired, some of his bed-chamber never left pressing
“ and persuading him till they prevailed on him to
“ change his former resolutions.” It is difficult, how-
ever, to conceive that any negociation could have suc-
ceeded between the king and parliament, while the latter
insisted, as they did all along, on a total submission to
all their demands; and challenged the whole power,
which they professedly intended to employ, to the punish-
ment of all the king’s friends.

NOTE [I], p. 317.

THE author is sensible, that some blame may be
thrown upon him, on account of this last clause in Mr.
Hambden’s character; as if he were willing to entertain
a suspicion of bad intentions, where the actions were
praise-worthy. But the author’s meaning is directly con-
trary: He esteems the last actions of Mr. Hambden’s life
to have been very blameable; though, as they were deriv-
ed from good motives only pushed to an extreme, there
is room left to believe, that the intentions of that patriot,
as well as of many of his party, were laudable. Had
the preceding administration of the king, which we are
apt to call arbitrary, proceeded from ambition, and an
unjust desire of encroaching on the ancient liberties of the
people, there would have been less reason for giving him
any trust, or leaving in his hands a considerable share
of that power which he had so much abused. But if his
conduct was derived in a great measure from necessity,
and from a natural desire of defending that prerogative
which was transmitted to him from his ancestors, and
which his parliaments were visibly encroaching on; there
is no reason why he may not be esteemed a very virtuous
prince, and entirely worthy of trust from his people.
The attempt, therefore, of totally annihilating monarchi-

cal power, was a very blameable extreme; especially as it was attended with the danger, to say the least, of a civil war, which, besides the numberless ills inseparable from it, exposed liberty to much greater perils than it could have incurred under the now limited authority of the king. But as these points could not be supposed so clear during the time as they are, or may be, at present; there are great reasons of alleviation for men who were heated by the controversy, or engaged in the action. And it is remarkable, that even at present, (such is the force of party-prejudices,) there are few people who have coolness enough to see these matters in a proper light, or are convinced that the parliament could prudently have stopped in their pretensions. They still plead the violations of liberty attempted by the king, after granting the petition of right; without considering the extreme harsh treatment, which he met with, after making that great concession, and the impossibility of supporting government by the revenue then settled on the crown. The worst of it is, that there was a great taint of enthusiasm in the conduct of the parliamentary leaders, which, though it might render their conduct sincere, will not much enhance their character with posterity. And though Hambden was, perhaps, less infected with this spirit than many of his associates, he appears not to have been altogether free from it. His intended migration to America, where he could only propose the advantage of enjoying puritanical prayers and sermons, will be allowed a proof of the prevalence of this spirit in him.

NOTE [K], p. 339.

IN a letter of the king to the queen, preserved in the British Museum, and published by Mrs. Macaulay, vol. iv. p. 420, he says, that unless religion was preserved, the militia (being not as in France a formed powerful strength) would be of little use to the crown; and that if the pulpits had not obedience, which would never be,
if

if presbyterian government was absolutely established, the king would have but small comfort of the militia. This reasoning shows the king's good sense, and proves, that his attachment to episcopacy, though partly founded on religious principles, was also, in his situation, derived from the soundest views of civil policy. In reality, it was easy for the king to perceive, by the necessary connexion between trifles and important matters, and by the connexion maintained at that time between religion and politics, that, when he was contending for the surplice, he was, in effect, fighting for his crown and even for his head. Few of the popular party could perceive this connexion: Most of them were carried headlong by fanaticism; as might be expected in the ignorant multitude. Few even of the leaders seem to have had more enlarged views.

NOTE [L], p. 403.

THAT Laud's severity was not extreme, appears from this fact, that he caused the acts or records of the high commission court to be searched, and found that there had been fewer suspensions, deprivations, and other punishments, by three, during the seven years of his time, than in any seven years of his predecessor Abbot; who was notwithstanding in great esteem with the house of commons. *Troubles and trials of Laud*, p. 164. But Abbot was little attached to the court, and was also a puritan in doctrine, and bore a mortal hatred to the papists. Not to mention, that the mutinous spirit was rising higher in the time of Laud, and would less bear controul. The maxims, however, of his administration were the same that had ever prevailed in England, and that had place in every other European nation, except Holland, which studied chiefly the interests of commerce, and France, which was fettered by edicts and treaties. To have changed them for the modern maxims of toleration, how reasonable soever, would have been deemed

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E e

a very bold and dangerous enterprife. It is a principle advanced by president Montesquieu, that, where the magistrate is fatisfied with the established religion, he ought to repress the first attempts towards innovation, and only grant a toleration to sects that are diffused and established. See l'Esprit des Loix, liv. 25. chap. 10. According to this principle, Laud's indulgence to the catholics, and severity to the puritans, would admit of apology. I own, however, that it is very questionable, whether persecution can in any case be justified: But, at the same time, it would be hard to give that appellation to Laud's conduct, who only enforced the act of uniformity, and expelled the clergymen that accepted of benefices, and yet refused to observe the ceremonies, which they previously knew to be enjoined by law. He never refused them separate places of worship; because they themselves would have esteemed it impious to demand them, and no less impious to allow them.

END OF THE NINTH VOLUME.

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